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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4501-4700

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., September 9, 1943.

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CEREALS AND CEREAL PRODUCTS

FLOUR AND CORN MEAL

Nos. 4501 to 4523 report legal actions involving flour and corn meal. Samples examined were found to contain one or more kinds of filth such as rodent pellets, rodent hairs, insect fragments, insect excreta, beetles, weevils, larvae, or other filth.

4501. Adulteration of flour. U. S. v. 137 Bags of Flour. Consent decree of condemnation. Product released under bond for reconditioning. (F. D. C. No. 9769. Sample Nos. 13292-F to 13294-F, incl.)

This product had been stored under insanitary conditions after shipment; when examined, rodent pellets were found and there were many stained and chewed bags. Portions of the product contained masses of webbing and insect excreta, rodent pellets, and rodent hairs, and were badly caked and had a musty or moldy odor. One lot contained mouse pellets, and one lot contained rat and mouse pellets, larvae, and webbing.

On April 10, 1943, the United States attorney for the Western District of Washington filed a libel against 137 98-pound bags of flour at Seattle, Wash., in the possession of Brenner's Bakery, alleging that the article had been shipped in interstate commerce within the period from on or about June 3 to December 26, 1942, from Hastings and Minneapolis, Minn., and Billings, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Rye Flour Ambarchik," "Russell-Miller Milling Co., Ajax Flour Bleached," or "Pillsbury's Artex Dark Rye Flour."

On June 8, 1943, A. Brenner, having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4502. Adulteration of flour. U. S. v. 173 Sacks of Flour. Decree of condemnation. Product ordered released under bond for denaturing for use as animal feed. (F. D. C. No. 8445. Sample Nos. 9433-F to 9435-F, incl.)

This product had been stored under insanitary conditions after shipment in interstate commerce.

On or about October 6, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 173 98-pound bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about May 5 and July 25, 1942, by the Pillsbury Flour Mills Co., from Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pillsbury's XXXX Patent Flour," "Pillsbury's Panking XXXX Flour Bleached," or "Pillsbury's Extra Fancy Sno Sheen Cake Flour Bleached."

On November 12, 1942, the Pillsbury Flour Mills Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration, and disposed of as animal feed.

4503. Adulteration of flour. U. S. v. 116 Bags of Flour. Decree of condemnation. Product ordered released under bond for denaturing. (F. D. C. No. 9193. Sample No. 10409-F.)

On January 15, 1943, the United States attorney for the Northern District of California filed a libel against 116 98-pound bags of flour in possession of the Globe Mills, San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 2 and 12, 1942, from Astoria, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bag) "Globe 'A1' Strong Whole Wheat Flour."

On February 6, 1943, the Pillsbury Flour Mills Co., Astoria, Oreg., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

4504. Adulteration of farina. U. S. v. 19 Bags of Farina. Default decree of condemnation. Product ordered sold for purposes other than human consumption. (F. D. C. No. 8057. Sample No. 17379-F.)

On or about August 6, 1942, the United States attorney for the District of Connecticut filed a libel against 19 98-pound bags of farina in possession of Miner, Read & Tullock, New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 12 and 19, 1942, from Buffalo, N. Y.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Gold Medal Flour * * * Farina Manufactured by General Mills, Inc. * * * Minneapolis, Minnesota."

On December 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold for purposes other than human consumption.

4505. Adulteration of flour. U. S. v. 50 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8533. Sample Nos. 5749-F, 5750-F.)

On October 6, 1942, the United States attorney for the Western District of Arkansas filed a libel against 11 48-pound sacks and 39 24-pound sacks of flour at Fayetteville, Ark., alleging that the article was in possession of the Vita-O-Ray Milling Co., and had been shipped in interstate commerce within the period from on or about January 10 to September 3, 1942, by the Hacker Flour Mills, from Jefferson, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. One portion was alleged to be adulterated further in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Vita-O-

Life [or "Vita-O Ray"] Flour Extra Short Patent * * * Milled Exclusive For Vita-O-Ray Milling Co., Fayetteville, Arkansas."

On January 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4506. Adulteration of flour. U. S. v. 110 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8659. Sample Nos. 6062-F, 6063-F.)

On October 30, 1942, the United States attorney for the Western District of Arkansas filed a libel against 58 48-pound bags and 52 24-pound bags of flour at Nashville, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about February 25 to June 22, 1942, by the Acme Flour Mills Co. from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sonny Boy 'It's Good' * * * Flour * * * Distributed By Superior Flour Company Sales Office Little Rock, Ark."

On January 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4507. Adulteration of flour. U. S. v. 28 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8383. Sample No. 17831-F.)

On September 18, 1942, the United States attorney for the Eastern District of New York filed a libel against 28 140-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1942, by the Thomas Page Mill Co. from Topeka, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Page's Fortis Flour."

On January 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4508. Adulteration of flour. U. S. v. 84 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8154. Sample No. 9658-F.)

On August 17, 1942, the United States attorney for the Southern District of Alabama filed a libel against 84 12-pound bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by the Monroe Milling Co. from Waterloo, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Jersey Queen Fancy Patent Flour."

On January 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4509. Adulteration of flour. U. S. v. 65 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8534. Sample No. 5751-F.)

On October 6, 1942, the United States attorney for the Western District of Arkansas filed a libel against 65 48-pound sacks of flour at Fayetteville, Ark., alleging that the article had been shipped in interstate commerce on or about March 6, 1942, by the Whitewater Flour Mills from White Water, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "High Score Flour."

On January 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4510. Adulteration of flour. U. S. v. 24 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8482. Sample No. 17838-F.)

On or about October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 24 98-pound sacks of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 21, 1941, by the Blaine Mackay Lee Co. from North East, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sacks) "Princess 100% Whole Wheat Flour Course Hoyer Cereal Co., Inc. Distributors, New York."

On January 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4511. Adulteration of flour. U. S. v. 110 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8479. Sample No. 17842-F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 110 140-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about

May 15, 1942, by the Dobry Flour Mills, Inc., from Yukon, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Conquest Fancy Clear Flour Bleached Milled For Empire State Flour Co. New York City."

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4512. Adulteration of flour. U. S. v. 120 Sacks and 30 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8397. Sample No. 7101-F.)

On September 21, 1942, the United States attorney for the Southern District of Illinois filed a libel against 150 48-pound sacks of flour at Granite City, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by the Standard Milling Co. from Kansas City, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Flour * * * Aristos."

On January 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4513. Adulteration of flour. U. S. v. 85 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing and use as animal feed. (F. D. C. No. 8552. Sample Nos. 17835-F, 17855-F.)

On October 9, 1942, the United States attorney for the Eastern District of New York filed a libel against 85 98-pound bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 14, 1942, by Morris Spector from Port Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Minnesota's Best Patent Flour * * * Packed For Metzendorf Bros., Inc., Perth Amboy, N. J."

On January 21, 1943, Morris Spector of Plainfield, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing with 5 percent dried blood, under the supervision of the Food and Drug Administration, and use as animal feed.

4514. Adulteration of flour. U. S. v. 48 Sacks and 259 Sacks of Flour. Consent decree of condemnation and product ordered released under bond for denaturing for use as animal food. (F. D. C. No. 8486. Sample Nos. 17839-F, 17840-F.)

On October 6, 1942, the United States attorney for the Eastern District of New York filed a libel against 48 98-pound sacks, and 259 140-pound sacks of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 1 and June 5, 1942, by the Texas Star Flour Mills, from Dallas and Fort Worth, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Sahara Flour," or "Sahara High Gluten Flour."

On November 18, 1942, the Chinski Trading Corporation, New York, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food and Drug Administration for use as animal food.

4515. Adulteration of flour. U. S. v. 250 Sacks, 350 Sacks, and 52 Sacks of Flour. (F. D. C. No. 8635. Sample Nos. 6441-F to 6443-F, incl.)

On October 23, 1942, the United States attorney for the Western District of Kentucky filed a libel against 250 6-pound bags, 350 12-pound bags, and 52 24-pound bags of flour at Paducah, Ky., alleging that the article had been shipped in interstate commerce on or about June 6, 1942, by the Sauers Milling Co., from Evansville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Self-Rising Flour * * * Laddie Boy," or "Bleached Laddie Boy * * * Plain."

On January 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4516. Adulteration of rye graham flour. U. S. v. 50 Bags and 101 Bags of Rye Graham Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 9701, 9702. Sample Nos. 45041-F, 45042-F.)

On March 26, 1943, the United States attorney for the Southern District of New York filed a libel against a total of 151 98-pound bags of rye graham flour at New York City, N. Y., alleging that the article had been shipped in

interstate commerce on or about March 1 and 9, 1943, by Gross Bros., Inc., Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4517. Adulteration of rye flour. U. S. v. 103 Bags and 105 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal food. (F. D. C. Nos. 8404, 8489. Sample Nos. 17828-F, 17829-F, 17844-F.)

On September 23 and October 6, 1942, the United States attorney for the Eastern District of New York filed a libel against a total of 208 140-pound sacks of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 1 and 6, 1942, by the B. A. Eckhart Milling Co., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "White Manna Pure Rye Flour."

On November 18, 1942, the Chinski Trading Corporation, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as animal food under the supervision of the Food and Drug Administration.

4518. Adulteration of flour and bran. U. S. v. 18 Sacks of Flour, 291 Sacks of Flour, and 12 Sacks of Bran. Default decrees of condemnation. One lot ordered destroyed, the remaining lots ordered delivered to a charitable institution or destroyed. (F. D. C. Nos. 8040, 8304. Sample Nos. 12929-F to 12932-F, incl., 28304-F.)

On August 5 and September 1, 1942, the United States attorneys for the Northern District of Georgia and for the District of Oregon, filed libels against 18 98-pound sacks of flour at Atlanta, Ga., 291 98-pound sacks of flour and 12 50-pound sacks of bran at Portland, Oreg., alleging that the articles had been shipped in interstate commerce within the period from on or about March 25 to July 3, 1942, by the Russell-Miller Milling Co., from Minneapolis, Minn., and Billings, Mont.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Occident 100% Whole Wheat Flour," "Occident Purified Bran," "Occident Flour Bleached," or "Producer Flour Bleached."

On September 22 and October 8, 1942, no claimant having appeared, judgments of condemnation were entered and the flour located at Atlanta, Ga., was ordered destroyed and the flour and bran located at Portland, Oreg., was ordered either delivered to a charitable institution or destroyed.

4519. Adulteration of corn meal. U. S. v. Scioto Farm Bureau Cooperative Association, Inc. Plea of guilty. Fine, \$300. (F. D. C. No. 8763. Sample Nos. 4313-F, 4314-F.)

On December 22, 1942, the United States attorney for the Southern District of Ohio filed an information against the Scioto Farm Bureau Cooperative Association, Inc., Lucasville, Ohio, alleging shipment on or about August 26 and September 1, 1942, from the State of Ohio into the State of Kentucky of quantities of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ballard's Cream Bolted Meal * * * Manufactured For and Distributed By Ballard & Ballard Co. Incorporated Louisville, Ky.," or "Dixie Maid Corn Meal."

On January 27, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

4520. Adulteration of corn meal. U. S. v. Lawrence L. Clark and Floyd R. Kirklin (Rush County Mills). Pleas of guilty. Fine, \$200. (F. D. C. No. 8774. Sample Nos. 4319-F, 4360-F.)

On January 6, 1943, the United States attorney for the Southern District of Indiana filed an information against Lawrence L. Clark and Floyd R. Kirklin, trading as copartners under the firm name Rush County Mills, at Rushville, Ind., alleging shipment on or about September 2 and October 9, 1942, from the State of Indiana into the State of Kentucky of quantities of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Imperial White Corn Meal."

On January 16, 1943, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$200.

4521. Adulteration of corn meal. U. S. v. Harry H. Sohn (Columbus Milling Co.).
Plea of guilty. Fine, \$200. (F. D. C. No. 8760. Sample Nos. 4333-F, 4334-F, 4342-F, 4348-F.)

On December 29, 1942, the United States attorney for the Southern District of Indiana filed an information against Harry H. Sohn, trading as Columbus Milling Co., at Columbus, Ind., alleging shipment within the period from on or about September 11 to on or about September 23, 1942, from the State of Indiana into the State of Kentucky of quantities of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance.

On January 16, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$200.

4522. Adulteration of corn meal. U. S. v. The P. H. Harsha Milling Co. Plea of guilty. Fine, \$300, \$150 of which was suspended. (F. D. C. No. 8762. Sample Nos. 4305-F, 4306-F, 4310-F, 4317-F.)

On December 22, 1942, the United States attorney for the Southern District of Ohio, filed an information against the P. H. Harsha Milling Co., a corporation at Portsmouth, Ohio, alleging shipment within the period from on or about August 25 to September 1, 1942, from the State of Ohio into the State of Kentucky of quantities of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Harsha's Mills Fresh Ground Kiln Dried Magnolia Corn Meal."

On January 21, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300 and suspended \$150 of the fine.

4523. Adulteration of corn meal. U. S. v. 101 Bags and 32 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 8681. Sample Nos. 4446-F, 4447-F.)

On October 31, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 101 24-pound bags and 32 100-pound bags of corn meal at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about October 12, 1942, by the Dutschke Milling Co., from Cannelton, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On February 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

Nos. 4524 to 4539 report legal actions involving bakery products. Samples examined were found to contain one or more kinds of filth, such as rodent hair, cat hair, insects, insect fragments, splinters, paint, metal fragments, or nondescript dirt.

4524. Adulteration of bakery goods. U. S. v. Burry Biscuit Corporation. Plea of guilty. Fine, \$1,200. (F. D. C. No. 8743. Sample Nos. 17563-F to 17565-F, incl., 17768-F to 17770-F, incl.)

On December 7, 1942, the United States attorney for the District of New Jersey filed an information against the Burry Biscuit Corporation, Elizabeth, N. J., alleging shipment within the period from on or about July 23 to August 19, 1942, from the State of New Jersey into the State of New York of quantities of bakery goods that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Burry's * * * Crisp Brown Bix," "Butter Flavored Cookies," "Tasty Bud Saltine Soda Crackers," or "Dickens Character Assortment."

On January 6, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,200.

4525. Adulteration of bakery products. U. S. v. Spaulding Bakeries, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 7729. Sample Nos. 84591-E, 84592-E, 84595-E.)

On November 10, 1942, the United States attorney for the Northern District of New York filed an information against the Spaulding Bakeries, Inc., Binghamton, N. Y., alleging shipment on or about April 9, 1942, from the State of New York into the State of Pennsylvania of quantities of bakery products that were adulterated. The articles were labeled in part: "Spaulding Sliced Bread * * * Krispy Krust," "Angel Food * * * Spaulding Fresher Cakes," or "Spaulding * * * Lemon Cup."

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On January 26, 1943, a plea of guilty have been entered on behalf of the defendant, the court imposed a fine of \$250 on each of the 2 counts of the information.

4526. Adulteration of bakery products. U. S. v. The Barnard Bake Shops, Inc. Plea of guilty. Fine, \$300. (F. D. C. No. 7719. Sample Nos. 77633-E to 77639-E, incl.)

On November 10, 1942, the United States attorney for the Northern District of New York filed an information against the Barnard Bake Shops, Inc., a corporation, at Binghamton, N. Y., alleging shipment on or about June 17, 1942, from the State of New York into the State of Pennsylvania of quantities of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Barnard's Sour Rye Bread," "Curly Top Rye Bread," "Freshbake Cracked Wheat Bread," "Raisin Bread," "Princess Bread," or "Curly Top Cake."

On January 26, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

4527. Adulteration of bakery products. U. S. v. Holsum Bread Co. Plea of guilty. Fine, \$50 on first count, \$10 on second count. (F. D. C. No. 8785. Sample Nos. 81886-E, 81888-E, 81890-E to 81892-E, incl.)

On January 25, 1943, the United States attorney for the District of Utah filed an information against the Holsum Bread Co., a corporation, at Salt Lake City, Utah, alleging shipment on or about May 28, 1942, from the State of Utah into the State of Nevada of quantities of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Holsum Fresh Bread Enriched," "Old Settler Rye," "Holsum Wheat Blend * * * Sliced Paramount Baking Co. Salt Lake City, Utah," "Fresh Holsum Pastries Danish Filled Rolls," or "Fresh Holsum Pastries Turnover Rolls."

On February 27, 1943, a plea of guilty was entered on behalf of the defendant, and on March 6, 1943, the court imposed a fine of \$50 on the first count and \$10 on the second count of the information.

4528. Adulteration of bakery products. U. S. v. J. B. Carr Biscuit Co. Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 7708. Sample Nos. 70757-E, 87548-E, 87549-E.)

On November 3, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against the J. B. Carr Biscuit Co., a corporation, Wilkes-Barre, Pa., alleging shipment on or about March 7 and 11, 1942, from the State of Pennsylvania into the States of West Virginia and North Carolina of quantities of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Cream-filled Sandwich," "Choc. Marshmallow Cookies," or "Fig Bars."

On May 3, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court suspended imposition of sentence and placed the defendant on probation for 1 year.

4529. Adulteration of bread. U. S. v. Eugene Graf, Jr. (Bon Ton Bakery). Plea of guilty. Fine, \$50. (F. D. C. No. 8784. Sample Nos. 88044-E, 88046-E, 88048-E, 15558-F, 15560-F, 15561-F.)

On February 20, 1943, the United States attorney for the District of Montana filed an information against Eugene Graf, Jr., trading as Bon Ton Bakery at Billings, Mont., alleging shipment on or about June 28 and July 31, 1942, from the State of Montana into the State of Wyoming of quantities of bread that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 3, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

4530. Adulteration of bread. U. S. v. Sawyer Stores, Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 8780. Sample Nos. 88018-E to 88020-E, incl., 88022-E to 88024-E, incl.)

On February 20, 1943, the United States attorney for the District of Montana filed an information against the Sawyer Stores, Inc., a corporation at Billings, Mont., alleging shipment on or about June 19, 1942, from the State of Montana into the State of Wyoming of quantities of bread that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On March 3, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

4531. Adulteration of cakes. U. S. v. H. H. Claussen's Sons, Inc. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 7759. Sample Nos. 48422-E, 48443-E, 28412-F.)

On December 17, 1942, the United States attorney for the Southern District of Georgia filed an information against H. H. Claussen's Sons, Inc., a corporation, at Augusta, Ga., alleging shipment within the period from on or about April 8 to July 31, 1942, from the State of Georgia into the State of South Carolina of a quantity of cakes that were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On March 13, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

4532. Adulteration of cake. U. S. v. Boston Baking Co., George P. Poulos, and James Angelus. Pleas of guilty. Fines, \$100 against the corporation, \$50 against each of the individual defendants. (F. D. C. No. 8744. Sample Nos. 19427-F to 19429-F, incl.)

On December 14, 1942, the United States attorney for the District of Massachusetts filed an information against the Boston Baking Co., a corporation, George P. Poulos, and James Angelus, alleging shipment on or about August 13, 1942, from the State of Massachusetts into the State of Rhode Island of quantities of cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Dame Boston * * * Wine [or "Raisin Pound," or "Fruit Pound"]."

On January 26, 1943, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$100 against the corporation and a fine of \$50 against each of the individual defendants.

4533. Adulteration of cake. U. S. v. Sheppard Baking Co. and Israel Shapiro. Pleas of guilty. Fines, \$600 against the corporation, \$3 against the individual defendant. (F. D. C. No. 6486. Sample Nos. 69841-E, 69842-E, 69860-E to 69862-E, incl., 74016-E to 74019-E, incl., 74024-E.)

On July 22, 1942, the United States attorney for the District of New Jersey filed an information against the Sheppard Baking Co., a corporation, North Bergen, N. J., and Israel Shapiro, alleging shipment within the period from on or about August 6 to 26, 1941, from the State of New Jersey into the States of Connecticut and New York of quantities of cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Betty Jane A Grand Cake."

On February 6, 1943, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$200 against the corporation on each of the 3 counts and a fine of \$1 against the individual defendant on each of the same counts.

4534. Adulteration of cake. U. S. v. Ambrosia Cake Bakeries Corporation. Plea of nolo contendere. Fine, \$100 on the first count; imposition of sentence suspended on the remaining counts and defendant placed on probation for 2 years. (F. D. C. No. 7700. Sample Nos. 48446-E, 70484-E, 70693-E.)

On November 9, 1942, the United States attorney for the Southern District of Florida filed an information against the Ambrosia Cake Bakeries Corporation at Jacksonville, Fla., alleging shipment within the period from on or about June 1 to 12, 1942, from the State of Florida into the State of Georgia of quantities of cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary con-

ditions whereby it might have become contaminated with filth. The article was labeled in part: "Tom's cakes," "Nugent's Quality Cakes," or "Betsy Ross Cake."

On February 15, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on the first count and suspended sentence on the remaining counts and placed the defendant on probation for a period of 2 years on condition that it comply with all laws relating to food production and all reasonable regulations pertaining thereto.

4535. Adulteration of pies and cakes. U. S. v. Dudley L. Dortch, Sr., and George A. Dortch (Dortch Baking Co.). Pleas of nolo contendere. Fines, \$50 against each defendant. (F. D. C. No. 7234. Sample Nos. 29739-E, 70004-E to 70008-E, incl., 70112-E to 70119-E, incl.)

On June 25, 1942, the United States attorney for the Northern District of Georgia filed an information against Dudley L. Dortch, Sr., and George A. Dortch, trading as Dortch Baking Co. at Atlanta, Ga., alleging shipment within the period from on or about August 14 to September 24, 1941, from the State of Georgia into the States of North Carolina, Florida, and Kentucky of quantities of pies and cakes that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Dortch's Ukaneata Sandwich Cake Snow Ball," "Lemon Cream," "Fig Club," "Toasted Cocoanut Snow Ball," "Cocoanut Butter Cream," "Raisin," "Orange Blossom," "Bestovall Giant Chocolate Marshmallow Pie," "Dortch's Nifty Lunch," "Sugar Pie," "Mello Bar," or "Sandwich Pie."

On March 5, 1943, pleas of nolo contendere having been entered, the court imposed a fine of \$50 against each defendant.

4536. Adulteration of cakes and candies. U. S. v. Premium Candy and Baking Corporation. Plea of guilty. Fine, \$100. (F. D. C. No. 7716. Sample Nos. 70477-E, 70688-E, 70689-E.)

On November 27, 1942, the United States attorney for the Eastern District of North Carolina filed an information against the Premium Candy and Baking Corporation, Fayetteville, N. C., alleging shipment on or about May 8, 9, and 21, 1942, from the State of North Carolina into the State of South Carolina of quantities of cakes and candies that were adulterated. The articles were labeled in part: "Premium Toastie Bar," "Rainbow Bar," "Premium Cocoanut Brittle Bar," "Premium Stick," "Cakes and Cookies, * * * Blue Ribbon Baking Co., Fayetteville, N. C." The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On March 15, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

4537. Adulteration of cookies. U. S. v. 65 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 8344. Sample No. 13218-F.)

On September 12, 1942, the United States attorney for the Western District of Washington filed a libel against 65 cartons of cookies at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about August 15, 1942, by Gibson Made Products Inc., from Los Angeles, Calif., and charging that they were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: (Cartons) "'Hits' Iced Jumbles."

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4538. Adulteration of cookies. U. S. v. 19 Cases of Cookies. Default decree of destruction. (F. D. C. No. 9056. Sample Nos. 4475-F to 4477-F, incl.)

On December 21, 1942, the United States attorney for the Western District of Kentucky filed a libel against 19 cases, each full case containing 24 bags, of cookies at Louisville, Ky., alleging that the articles had been shipped in interstate commerce on or about November 19 and December 4, 1942, by the Gilt Edge Bakery Products, Inc., from Cincinnati, Ohio; and charging that they were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might

have become contaminated with filth. The articles were labeled in part: "Vanilla Wafers," "Patsy Ann Toasted Oatmeal Cookies 24 for 10¢," or "Super Value Patsy Ann Cookies."

On February 2, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

4539. Misbranding of cookies. U. S. v. Rebecca Golden (Fashion Bakers). Plea of guilty. Fine, \$600. (F. D. C. No. 8797. Sample Nos. 18688-F to 18690-F, incl., 22622-F, 29045-F.)

On May 11, 1943, the United States attorney for the Eastern District of New York filed an information against Rebecca Golden, trading as Fashion Bakers, Brooklyn, N. Y., alleging shipment within the period from on or about October 7 to November 19, 1942, from the State of New York into the States of Connecticut, Georgia, and Pennsylvania of quantities of cookies that were misbranded. Portions of the articles were labeled in part: (Boxes) "Charlevoix Assortment by Fashion Bakers, Brooklyn, N. Y.," "Banquet Home Made Assortment 14 Oz. Net," "Petit Fours * * * 14 Oz. Net," or "French Butter [or "Better"] Cookies * * * 12 Oz. Net." The remainder bore a sticker label with the ingredient statement and weight, i. e., "2½ Lbs. Net Wt."

The articles were alleged to be misbranded in that they were in package form and their labels did not bear an accurate statement of the quantity of the contents in terms of weight. They were alleged to be misbranded further in that the statements "2 Lbs. Nt. Wt.," "14 Oz. Net," "2½ Lbs. Net Wt.," and "12 Oz. Net," borne on the labels, were false and misleading since the packages contained less than the amounts declared.

The Charlevoix Assortment and the French "Butter" and "Better" cookies were alleged to be misbranded further in that their containers were so made, formed, and filled as to be misleading, since the container of the Charlevoix Assortment had unnecessarily thick walls and the containers of both assortments had cellophane windows which showed certain sections which were well filled, while those sections of the containers that were not visible through the cellophane windows were not well filled, with the result that the purchasers would obtain smaller amounts of cookies than they were led to believe were contained in the packages.

The lot bearing the sticker label only was alleged to be misbranded further in that its container (tin) was so made, formed, and filled as to be misleading since by the use of excessive paper packing the tins contained fewer cookies than the purchasers would be led to believe were present in the tins by their outward appearance.

On June 2, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$600.

MISCELLANEOUS CEREAL PRODUCTS

4540. Adulteration and misbranding of Egg Fusillini. U. S. v. Silvio Bernaudo (Impero Fusilli Co.). Plea of guilty. Fine, \$1,000; and 4 months in jail on count 1, sentence suspended on remaining 7 counts, and defendant placed on probation for 2 years. (F. D. C. No. 8756. Sample Nos. 17024-F, 17326-F to 17328-F, incl.)

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Silvio Bernaudo, trading as the Impero Fusilli Co., at Brooklyn, N. Y., alleging shipment within the period from on or about July 9 to September 2, 1942, from the State of New York into the State of New Jersey of quantities of alimentary paste that was adulterated and misbranded. The article was labeled in part: "Impero Made from No. 1 Semolina Fusillini All'uovo Egg Fusillini Made with pure Fresh Eggs."

The article was alleged to be adulterated (1) in that egg, a valuable constituent of egg alimentary paste, had been in part omitted; (2) in that artificially colored alimentary paste, containing materially less egg solids than egg alimentary paste should contain, had been substituted wholly or in part for egg alimentary paste; (3) in that its inferiority had been concealed by the addition of artificial color, which had been mixed or packed therewith so as to make it appear better and of greater value than it was; and (4) in that it contained a coal tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statements "Egg" and "All'uovo" were false and misleading, and (2) in that it contained artificial coloring and did not bear labeling stating that fact.

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and 4 months in jail on the first count, and suspended sentence on the remaining 7 counts, placing the defendant on probation for 2 years.

4541. Adulteration of macaroni, spaghetti, and noodles. U. S. v. 37 Cases of Egg Noodles (and 3 additional lots of alimentary pastes). Default decree of condemnation and destruction. (F. D. C. No. 8724. Sample Nos. 14555-F to 14558-F, incl.)

These products contained beetles and larvae.

On November 27, 1942, the United States attorney for the District of Arizona filed a libel against 132½ cases of alimentary pastes at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce on or about June 9 and June 10, 1942, by the Kentucky Macaroni Co., from Wichita, Kans.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: (Bags) "Del Monico Brand * * * Pure Egg Noodles [or "Elbow Macaroni," "Elbow Spaghetti," or "Shell Macaroni"]."

On January 13, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

4542. Adulteration and misbranding of egg noodles. U. S. v. 180 Cases and 300 Cases of Egg Noodles. Decrees of condemnation. Portion of product ordered released under bond for relabeling. Remainder ordered destroyed. (F. D. C. Nos. 8860, 8861. Sample Nos. 1852-F, 24511-F.)

This product contained less than 5½ percent of egg solids.

On November 12 and November 14, 1942, the United States attorneys for the District of Maryland and the Northern District of Illinois filed libels against 180 20-pound cases of egg noodles at Perry Point, Md., and 300 20-pound cases at Hines, Ill., alleging that the article had been shipped in interstate commerce on or about September 14 and 16, 1942, by the Blue Ribbon Noodle Co., Inc., from Wilkes-Barre, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: (Shipping case) "Reeves Parvin Co. Medium Pure Egg Noodles."

It was alleged to be adulterated in that a valuable constituent, egg, had been in whole or in part omitted, and in that noodles, deficient in egg solids, had been substituted wholly or in part for egg noodles.

It was alleged to be misbranded in that the statement, "Pure Egg Noodles," borne on the label, was false and misleading as applied to an article that was deficient in egg solids and in that it was offered for sale under the name of another food, egg noodles.

On January 7, 1943, no claimant having appeared for the seizure located at Hines, Ill., judgment of condemnation was entered and the product was ordered destroyed. On March 25, 1943, Reeves Parvin & Co. having appeared for itself and on behalf of the Blue Ribbon Noodle Co., Inc., as claimant for the goods seized at Perry Point, Md., and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4543. Adulteration and misbranding of noodles. U. S. v. 551½ Cases of Noodles. Default decree of condemnation. Product ordered sold to highest bidder. (F. D. C. No. 8162. Sample No. 5940-F.)

On August 19, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 148 cases of noodles at St. Louis, Mo. On December 4, 1942, the libel was amended to cover a total of 281 cases, and on January 8, 1943, the libel was amended for the second time bringing the total to 551½ cases of noodles. It was alleged in the second amended libel that the article had been shipped in interstate commerce within the period from on or about April 14 to May 15, 1942, by National Foods, Inc., from Pittsburgh, Pa., and that it was adulterated and misbranded. A portion of the article was labeled in part: (Bags) "'Oodles' Plain Noodles."

The article was alleged to be adulterated in that a substance, egg, had been added thereto and mixed and packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the design of a farmer carrying a full basket of eggs and spearheads of wheat, appearing on the label of the article, was misleading since such design suggested that the article was made from wheat and eggs, whereas the article contained an inconsequential amount of eggs. It was alleged to be misbranded further in that the statement "Made of

Finest Durum Flour and Eggs" was misleading as applied to an article containing less than 1 percent of eggs, since it failed to reveal the material fact that such percentage of eggs was inconsequential and did not impart the food value characteristic of an alimentary paste which purports to be an egg alimentary paste.

On February 26, 1943, no claimant having appeared, judgment of condemnation was entered and the marshal was ordered to sell the product after taking adequate precaution to prevent its being used in violation of the law.

4544. Adulteration of popcorn. U. S. v. 41 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8993. Sample No. 12443-F.)

This product contained beetles, worms, insect fragments, insect excreta, and insect-cut corn.

On or about December 9, 1942, the United States attorney for the Western District of Washington filed a libel against 41 bags of popcorn at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, by the Albert Dickinson Co. from Nampa, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dickinson's Little Buster Pops Anywhere."

On January 14, 1943, the Tacoma Grocery Co., a corporation of Tacoma, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4545. Adulteration of Matzos, Matzos meal, and cracker meal. U. S. v. 24 Cases of Matzos (and 3 other seizures of similar products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9803, 9804, 9844, 9876. Sample Nos. 23269-F to 23271-F, incl., 24800-F, 28947-F, 32507-F to 32509-F, incl.)

These products contained insect fragments, rodent hair fragments, larvae, hair fragments resembling rodent hairs, and rodent excreta.

On or about April 17, 19, 27, and May 1, 1943, the United States attorneys for the Northern District of Georgia, the District of New Jersey, the Eastern District of Virginia, and the Northern District of Ohio, filed libels against 24 cases, each containing 36 packages, and 174 separate packages of Matzos, 9 cases, each containing 24 packages, and 140 separate packages of Matzo meal, and 60 cases, each containing 24 packages, of cracker meal in various lots at Atlanta, Ga., Norma, N. J., Camp Pendleton, Va., and Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about March 18 to April 6, 1943, by B. C. Friedman & Co., from Philadelphia, Pa.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Matzos," "Matzo Meal," or "Philadelphia Cracker Meal * * * Philadelphia Cracker Meal Company, Philadelphia, Pa."

On May 11 and 29, and June 18 and 23, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4546. Adulteration and misbranding of cheese sandwiches. U. S. v. 36 Boxes of Cheese Sandwiches. Default decree of condemnation. Product destroyed. (F. D. C. No. 8360. Sample No. 22446-F.)

On September 16, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 36 boxes, each containing 24 packages, of cheese sandwiches at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by King Kone Corporation from New York City, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Front of package) "Old London Cheese Sandwich."

The article was alleged to be adulterated (1) in that a valuable constituent, cheese, had been in whole or in part omitted; (2) in that a wafer sandwich containing a filling of cheese, cornstarch, edible oil other than butterfat, and artificial coloring, had been substituted wholly or in part for "Old London Cheese Sandwich"; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible oil other than butterfat, artificial coloring,

and cornstarch, had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the names (box) "Old London Cheese Sandwiches" and (package) "Old London Waffie Cheese Sandwich", were false and misleading, and (2) in that the statement of ingredients required by the act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the statement was printed on the bottom of the small packages and; as they were displayed, would have been invisible to the purchaser.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution. Examination having showed that the product was unfit for human consumption it was destroyed by the marshal.

4547. Adulteration and misbranding of cocktail cigarettes and misbranding of cocktail snacks. U. S. v. 9 Dozen Boxes of "Devonsheer Cheddar Filled Cocktail Cigarettes," and 15 $\frac{3}{4}$ Dozen Boxes of "Devonsheer Miniature Snacks for Cocktails." Default decree of condemnation and destruction. (F. D. C. No. 9214. Sample Nos. 18757-F, 18758-F.)

The boxes containing the "Cigarettes" were so packed that the crackers occupied only 27.3 percent of the volume of the box. The filling in the crackers consisted of approximately 40 percent of cheese, 15 percent of a fat other than butterfat, and cornstarch, and was colored with a coal-tar color which gave it the appearance of containing more cheese than it did. The "Snacks" were contained in boxes which had wide folded sides and a $\frac{3}{4}$ -inch wide divider through the center, which reduced the capacity of the box by 36.4 percent. The ingredients were not correctly stated.

On January 21, 1942, the United States attorney for the Southern District of New York filed a libel against the above-named products at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about December 22 to 31, 1942, by the Devonsheer Melba Corporation, from West New York, N. J.

The "Cigarettes" were alleged to be adulterated (1) in that a valuable constituent, cheese, had been in whole or in part omitted; (2) in that a cracker containing a filling of cheese, fat other than butterfat, cornstarch, and artificial coloring had been substituted wholly or in part for a cheese filled cracker; (3) in that inferiority had been concealed by the addition of artificial coloring; and (4) in that edible fat other than butterfat, cornstarch, and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The "Cigarettes" were alleged to be misbranded (1) in that the statement "Cheddar Filled." "Dehydrated Aged Cheddar Cheese," "Dainty Cheese-Bits," and "They are filled with deliciously blended cheese," borne on the labels, were false and misleading when applied to an article filled with a mixture containing only 40 percent cheese; and (2) in that their containers were so made, formed, and filled as to be misleading.

The "Snacks" were alleged to be misbranded (1) in that the word "Peanuts" in the labeling was false and misleading since no peanuts were present in the article; (2) in that their containers were so made, formed and filled as to be misleading; and (3) in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each such ingredient, since cheese crackers were present and cheese was not listed as an ingredient,

On February 9, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CANDY AND SUGAR

Nos. 4548 to 4556 report legal actions involving candy. Samples examined were found to contain one or more kinds of filth such as rodent excreta fragments, rodent hairs, insects or insect fragments, and other filth.

4548. Adulteration of candy. U. S. v. Ralph Viscione (Gloria Chocolate Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 7269. Sample Nos. 90437-E, 90439-E, 90668-E.)

On July 13, 1942, the United States attorney for the District of Massachusetts filed an information against Ralph Viscione, trading as Gloria Chocolate Co. at Boston, Mass., alleging shipment on or about January 29 and February 7,

1942, from the State of Massachusetts into the States of Rhode Island and New Hampshire of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Ritz Package Assorted Chocolates," "Mary Morgan Assorted Chocolates * * * Packed for Mary Morgan Chocolate Co. Boston, Massachusetts," or "Laura Lane Chocolates Hand Fashioned Specialties."

On March 16, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

4549. Adulteration of candy. U. S. v. Harry Cooper (Cooper Candy Company). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 7678. Sample Nos. 48401-E, 48426-E, 48428-E to 48430-E, incl., 70781-E.)

On October 12, 1942, the United States attorney for the Northern District of Georgia filed an information against Harry Cooper, trading as Cooper Candy Company at Atlanta, Ga., alleging shipment in interstate commerce within the period from on or about March 9 to April 22, 1942, from the State of Georgia into the States of South Carolina and North Carolina of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Big Chief."

On March 5, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100.

4550. Adulteration of candy. U. S. v. Toledo Candy Co. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 8792. Sample Nos. 4557-F, 4558-F, 4562-F, 4565-F, 4566-F, 4569-F.)

On February 16, 1943, the United States attorney for the Northern District of Ohio filed an information against the Toledo Candy Co., a corporation at Toledo, Ohio, alleging shipment on or about October 1 and 8, 1942, from the State of Ohio into the State of Indiana of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Milk Caramel [or "Milk Vanilla," "Milk Butter Cream," or "Peanut Butter Chips"] Princess Chocolates," "Choc. Coc. M. M.," or "Butter Pecan Puff Imitation Maple Flavor."

On March 5, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

4551. Adulteration of candy. U. S. v. Delbert D. Carney (D. D. Carney Candy Manufacturing Co.). Plea of guilty. Defendant placed on probation for a period of 3 years. (F. D. C. No. 7271. Sample Nos. 5379-E, 79158-E, 79159-E.)

On October 22, 1942, the United States attorney for the Southern District of West Virginia filed an information against Delbert D. Carney, trading as D. D. Carney Candy Manufacturing Co. at Huntington, W. Va., alleging shipment on or about February 14 and December 13, 1941, from the State of West Virginia into the State of Kentucky of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Horehound—120," or "Billy Boy Baseball Pops."

On May 14, 1943, defendant having entered a plea of guilty, the court placed the defendant on probation for a period of 3 years.

4552. Adulteration of candy. U. S. v. 496 Boxes, 210 Boxes, and 360 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 8471, 8491, 8492. Sample Nos. 17399-F to 17405-F, incl., 18143-F, 18144-F.)

On October 3 and 5, 1942, the United States attorneys for the District of Connecticut and the Southern District of New York filed libels against 496 boxes of candy at Meriden, Conn., 20 boxes at Middletown, Conn., and 360 boxes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 31, September 8, 9 and 14, 1942, by the Boston Candy Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Copely Assortment hand dipped Chocolates."

"By Request Assortment hand dipped Chocolates," or "Ye Old Cottage Candies Hand Dipped."

On October 29 and November 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4553. Adulteration of candy. U. S. v. 57 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 8959. Sample No. 25300-F.)

On December 2, 1942, the United States attorney for the District of Maryland filed a libel against 57 1-pound boxes of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 16, 1942, by the Jane Louise Candies, from Lancaster, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Box) "Ye Olde Colonial Chocolates."

On January 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4554. Adulteration of candy. U. S. v. 37 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9024. Sample No. 18832-F.)

On or about December 28, 1942, the United States attorney for the District of Connecticut filed a libel against 37 cartons of candy at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about December 2, 1942, by the Elk Sales Co. from New York, N. Y., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "80 Count 1¢ Sally Fruit and Nut Cubes."

On February 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4555. Adulteration of candy. U. S. v. 38 Boxes of Peanut Squares and Popcorn Bars. Default decree of condemnation and destruction. (F. D. C. No. 8912. Sample No. 28350-F.)

On November 25, 1942, the United States attorney for the Northern District of Georgia filed a libel against 38 boxes of peanut squares and popcorn bars at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce on or about November 12, 1942, by the DeSoto Candy Co., from Miami, Fla.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "DeSoto Peanut Square," or "DeSoto Popcorn Bar."

On January 25, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

4556. Adulteration of candy. U. S. v. 43 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 8894. Sample No. 4260-F.)

On or about November 24, 1942, the United States attorney for the Southern District of Indiana filed a libel against 43 cases, each containing 24 bags, of assorted candy at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about October 26, 1942, by the Washington Candy Co. from Washington Court House, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Mint Puffs," "Carmel Puffs," "Cinnamon Puffs," "Rival Mix," "Orange Tarts," or "Mint Tarts."

On January 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4557. Adulteration of sugar. U. S. v. 20,511 Pounds of Sugar. Order entered releasing product under bond for re-refining under the supervision of the Food and Drug Administration. (F. D. C. No. 8892. Sample No. 4687-F.)

This sugar was fire- and water-damaged and contained rodent hairs, plant fibers, mineral matter, sticks, and other miscellaneous debris.

On November 20, 1942, the United States attorney for the Northern District of Ohio filed a libel against 20,511 pounds of sugar at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 24, 1942,

by the N. K. Hurst Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 9, 1943, the Crystal Sugar Co. of Cleveland, Ohio, claimant, having admitted the allegations of the libel, the court entered an order releasing the product under bond conditioned that it be shipped to the refinery and reconditioned so that it meet all requirements of the law.

DAIRY PRODUCTS

BUTTER

Nos. 4558 to 4574 report legal actions involving butter that contained mold or was low in milk fat. Nos. 4558 to 4565 were in part made from decomposed cream as evidenced by mold. In addition, Nos. 4561 to 4565 were also deficient in fat. Nos. 4566 to 4574 were low in fat.

4558. Adulteration of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 8094. Sample No. 9210-F.)

On July 18, 1942, the United States attorney for the Southern District of Alabama filed a libel against 15 cases, each containing 32 pounds, of butter at Mobile, Ala., alleging that the article was shipped in interstate commerce on or about July 7, 1942, by John Morrell & Co. from Bruce, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Retail package) "Riverdale Brand Creamery Butter."

On February 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4559. Adulteration of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 8674. Sample No. 1547-F.)

On October 16, 1942, the United States attorney for the Northern District of Illinois filed a libel against 6 boxes, each containing 60 pounds, of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 17, 1942, by the Blue River Creamery Co. from Hastings, Neb.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Butter * * * L. D. Schreiber & Co. Inc. Distributors Chicago * * * Illinois."

On January 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4560. Adulteration of butter. U. S. v. 9 Cases of Butter (and 8 additional seizure actions against butter). Decrees of condemnation: Portions of product ordered destroyed; portions ordered sold for non-food purposes; portions ordered delivered to rendering plants for use under instructions from the War Production Board and remainder ordered released under bond for rendering into butter oil. (F. D. C. Nos. 7597, 7973, 8285, 8515, 8520, 8586, 8624, 8665, 8928. Sample Nos. 83772-E, 91970-E, 1509-F, 4732-F, 9191-F, 9426-F, 9496-F, 9669-F, 9670-F, 17020-F, 18101-F.)

Portions of this article contained mold. The remainder contained insects, rodent hairs, mites, larvae, house flies, and human hair.

Between May 2 and October 20, 1942, the United States attorneys for the Eastern District of Louisiana, Northern District of Illinois, Southern District of Ohio, Western District of Louisiana, and Southern District of New York, filed libels against 16 cases of butter at Baton Rouge, La., 25 cases at New Orleans, La., 4 cases at Calumet City, Ill., 9 cases at Cincinnati, Ohio, 12 cases at Alexandria, La., 15 cases at Houma, La., 72 cartons and 19 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about June 18 to October 5, 1942, by Swift & Co., from Paris, Tex., Fort Worth, Tex., Conway, Ark., Marion, Ind., and Sioux City, Iowa; and charging that it was adulterated. The article was labeled in part: "Swift's Brookfield Butter," "Creamery Butter," "Cresta Creamery Butter," Alberly Brand * * * Packed For The Albers Super Markets, Inc. Cincinnati," "Glenwood Creamery Butter," or "Autin's Superior Brand Creamery Butter Autin Packing Co., Inc. Distributors, Houma, Louisiana."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remainder was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On November 17, 1942, and May 17, 1943, Swift & Co. having appeared as claimant for the lots located at New York, N. Y., Houma, La., and one of the lots located at New Orleans, La., and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for rendering into butter oil. Between July 2, 1942, and March 5, 1943, no claimant having appeared for the remainder of the product, judgments of condemnation were entered and portions were ordered destroyed, portions were ordered sold to the highest bidder to be used for purposes other than as food, and portions were ordered delivered to packing plants to be disposed of for war purposes, under instructions from the War Production Board.

4561. Adulteration of butter. U. S. v. 32 Pounds, 64 Pounds, 96 Pounds, and 160 Pounds of Butter. Default decrees of condemnation. Product ordered delivered to the War Production Board for war purposes. (F. D. C. Nos. 8236, 8237. Sample Nos. 21520-F, 21521-F.)

The product was high in mold and a portion was also deficient in milk fat.

On August 15, 1942 the United States attorney for the Western District of Pennsylvania filed libels against a total of 352 pounds of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to August 6, 1942, by the Valley Creamery Co. from Sistersville, W. Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. A portion was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Carton) "Valley Maid Brand Creamery Butter," or "Gold Bond Creamery Butter Armour Creameries. Distributors."

On September 24, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to the War Production Board for war purposes.

4562. Adulteration of butter. U. S. v. 11 Cases of Butter (and 5 additional seizure actions against butter). Decrees of condemnation. Portion of product ordered destroyed; portion ordered released under bond to be manufactured into butter oil; and remainder ordered released under bond to be reworked. (F. D. C. Nos. 8081, 8232, 8519, 8666, 8704, 8945. Sample Nos. 9203-F, 9624-F, 9625-F, 10727-F, 10804-F, 11002-F, 15906-F, 15907-F.)

Portions of this product were deficient in milk fat and the remainder contained mold.

Between July 16 and November 13, 1942, the United States attorneys for the Southern District of Alabama, Western District of Oklahoma, and the Northern District of California filed libels against 15 cartons, each containing 32 1-pound prints, and 250 cartons, each containing 16 ½-pound prints, of butter at Mobile, Ala.; 21 68-pound cubes of butter at Elk City, Okla., 15 60-pound cubes, 18 63-pound cubes, and 24 63-pound cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about June 28 to November 17, 1942, by the Armour Creameries from Meridian, Miss., Bismarck, N. Dak., Floydada, Tex., and Minnesota Transfer, Minn.; and charging that it was adulterated. Portions of the article were labeled in part: "Cloverbloom Butter."

The butter seized at Mobile was alleged to be adulterated in that it consisted in whole or in part of a putrid and decomposed substance. The butter seized at San Francisco was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The butter seized at Elk City contained mold and was low in milk fat.

On October 5 and December 11 and 24, 1942, Armour & Co., having appeared as claimant for the butter seized at San Francisco, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

On February 11, 1943, no claim having been entered for 11 cases of butter at Mobile, judgment of condemnation was entered and they were ordered destroyed. On November 23, 1942 and March 19, 1943, Armour & Co., having appeared as claimant for the remaining 254 cases seized at Mobile and the lot at Elk City, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond for conversion into butter oil or other legal product.

4563. Adulteration and misbranding of butter. U. S. v. 18 Cases of Butter (and 3 additional seizure actions against butter). Decree of condemnation. One lot ordered sold as salvage fats. Remainder ordered released under bond to be reworked and relabeled. (F. D. C. Nos. 8046, 8584, 9285, 9568. Sample Nos. 1535-F, 22586-F, 29521-F, 32631-F.)

One of these lots of butter contained excessive mold. A second and a third lot were low in milk fat and one of these was also short weight. A fourth lot was short weight.

On or about July 22 and September 25, 1942, and on January 15 and February 22, 1943, the United States attorneys for the Northern District of Georgia, Northern District of Illinois, Eastern District of Pennsylvania, and Eastern District of Kentucky filed libels against 18 30-pound cases of butter at Atlanta, Ga., 45 32-pound cases at Chicago, Ill., 49 63-pound tubs at Philadelphia, Pa., and 8 32-pound cases at Maysville, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about June 29, 1942, to February 16, 1943, by the Beatrice Creamery Co. from Nashville, Tenn., Topeka, Kans., Chicago, Ill., and Cincinnati, Ohio; and charging that it was adulterated and misbranded. Portions of the article were labeled in part: "Blue Ribbon Creamery Butter * * * Made by The Borden Company, Nashville, Tennessee," "Meadow Gold Butter * * * 1 Lb. Net."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The remainder was alleged to be adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter. One of the lots low in milk fat was alleged to be adulterated further in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom.

Portions of the article were alleged to be misbranded in that the statement on the label "1 Lb. Net," was false and misleading since it was incorrect, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On September 22, 1942, no claimant having appeared for the lot located at Atlanta, Ga., judgment of condemnation was entered and the product was ordered to be denatured and sold to renderers of fat designated by the Office of Price Administration. On October 9, 1942, and February 17 and March 3, 1943, the Beatrice Creamery Co., having appeared as claimant for the remaining lots, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into compliance with the law.

4564. Adulteration and misbranding of butter. U. S. v. 39 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be rendered into butter oil. (F. D. C. No. 8516. Sample No. 5812-F.)

This product contained insect parts and was short of the declared weight. Samples from one churning were found to contain excessive mold and to be low in milk fat. Two other churnings also were low in milk fat.

On August 24, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 39 32-pound cases of butter at the National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce on or about August 12, 1942, by the Monroe City Creamery Co., from Monroe City, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: (Carton) "Swift's Brookfield Butter One Pound Net."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. A portion was alleged to be adulterated further in that it consisted in whole or in part of a filthy, putrid or decomposed substance, and this portion and other portions were alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the labeling was false and misleading since the prints did not contain 1 pound net as labeled.

On September 23, 1942, the Monroe City Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil under the supervision of the Food and Drug Administration.

4565. Adulteration and misbranding of butter. U. S. v. 91 Cases, 18 Cases, and 142 Boxes of Butter. Decrees of condemnation. One lot ordered released under bond, a portion to be reworked to increase the milk-fat content and the remainder to be disposed of as soap grease. Remainder ordered sold to a rendering plant to be used for war purposes. (F. D. C. Nos. 8132, 8133, 8291. Sample Nos. 24310-F, 24312-F, 21523-F.)

On August 3, 6, and 19, 1942, the United States attorneys for the District of Maryland and the Western District of Pennsylvania filed libels against 109 cases, each case containing 32 1-pound prints, of butter at Fort George G. Meade, Md., and 142 boxes containing a total of 4,544 pounds of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about July 21 to August 4, 1942, in part by the Bowser Sales & Trading Corporation and in part by the Valley Creamery Co., from Sistersville, W. Va.; and charging that it was adulterated and that a portion was misbranded. Portions of the article were labeled in part: "Green Valley Brand Creamery Butter Manufactured By Land O'Hills Creamery Co. Buckhannon, W. Va."

The product located at Fort George G. Meade, Md., and a portion of that located at Pittsburgh, Pa., was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance. The remainder at Pittsburgh was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat. The said remainder at Pittsburgh was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On October 14, 1942, no claimant having appeared for the portions of the product located at Fort George G. Meade, Md., judgment of condemnation was entered and the product was ordered sold to a commercial concern to be used for war purposes.

On November 20, 1942, the Bowser Sales & Trading Corporation, claimant for the butter seized at Pittsburgh, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the portion containing mold be used in the manufacture of soap and soap products, and that the remainder be reworked and reprinted so as to increase the butterfat content, under the supervision of the Food and Drug Administration.

4566. Adulteration of butter. U. S. v. Benjamin F. Huggins (Huggins Dairy Products). Plea of guilty. Fine, \$100. (F. D. C. No. 7727. Sample Nos. 93341-E, 12109-F.)

On November 16, 1942, the United States attorney for the District of Idaho filed an information against Benjamin F. Huggins, trading as Huggins Dairy Products at Lewiston, Idaho, alleging shipment on or about April 7 and July 6, 1942, from the State of Idaho into the State of Washington of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 10, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

4567. Adulteration of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 7728. Sample No. 94106-E.)

On November 2, 1942, the United States attorney for the Western District of Oklahoma filed an information against Armour & Co., a corporation, at Elk City, Okla., alleging shipment on or about June 13, 1942, from the State of Oklahoma into the State of Missouri, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Armour's Cloverbloom Butter * * * Armour Creameries—Distributors."

On November 23, 1942, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$100 and costs.

4568. Adulteration of butter. U. S. v. Leonard Kohlman (Napoleon Creamery). Plea of guilty. Fine, \$50. (F. D. C. No. 8825. Sample Nos. 31721-F, 31722-F, 31733-F, 31851-F.)

On April 13, 1943, the United States attorney for the Southern District of Indiana filed an information against Leonard Kohlman, trading as Napoleon Creamery at Napoleon, Ind., alleging shipment within the period from on or

about November 20 to December 11, 1942, from the State of Indiana into the State of Ohio of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. Portions of the article were labeled in part: "Spring Dale Brand Creamery Butter. The C. Eberle Sons Company, Distributors," or "Butter Countryside Farm Products Co. * * * Cincinnati, Ohio."

On May 6, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

4569. Adulteration of butter. U. S. v. Walter Englund (Palace Dairy). Plea of guilty. Fine, \$10. (F. D. C. No. 8798. Sample Nos. 1519-F, 1522-F.)

On March 16, 1943, the United States attorney for the Western District of Wisconsin filed an information against Walter Englund, trading as the Palace Dairy, at Prentice, Wis., alleging shipment on or about August 11 and 18, 1942, from the State of Wisconsin into the State of Illinois of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Beatrice Creamery Company Chicago, Ill. Butter."

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$10.

4570. Adulteration of butter. U. S. v. Barrett Cooperative Creamery. Plea of guilty. Fine, \$20. (F. D. C. No. 7657. Sample Nos. 76859-E, 76863-E.)

On January 5, 1943, the United States attorney for the District of Minnesota filed an information against the Barrett Cooperative Creamery, a corporation, Barrett, Minn., alleging shipment on or about April 13 and 17, 1942, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Distributed By Gude Bros Kieffer Co * * * New York."

On January 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$20.

4571. Adulteration of butter. U. S. v. Monticello Dairy, Inc. (Orange Creamery). Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$50. (F. D. C. No. 8731. Sample No. 16982-F.)

On December 17, 1942, the United States attorney for the Eastern District of Virginia filed an information against the Monticello Dairy, Inc., a corporation trading under the name of the Orange Creamery at Orange, Va., alleging shipment on or about June 29, 1942, from the State of Virginia into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed By J. R. Kramer, Inc. * * * New York, N. Y."

On March 16, 1943, a plea of not guilty having been entered on behalf of the defendant, the case was tried to the court and the defendant was found guilty and fined \$50.

4572. Adulteration of butter. U. S. v. Newman C. Ashley (Dallas Creamery). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 7732. Sample Nos. 89638-E, 89639-E.)

On November 5, 1942, the United States attorney for the Western District of Wisconsin filed an information against Newman C. Ashley, trading as the Dallas Creamery, at Dallas, Wis., alleging shipment on or about May 14, 1942, from the State of Wisconsin into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Hunter, Walton & Co. * * * New York."

On February 12, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

4573. Adulteration of butter. U. S. v. Theodore I. Flittie (Flittie Creamery). Plea of guilty. Fine, \$25. (F. D. C. No. 7255. Sample No. 62372-E.)

On June 25, 1942, the United States attorney for the District of South Dakota filed an information against Theodore I. Flittie, trading as Flittie Creamery, at Wessington Springs, S. Dak., alleging shipment on or about November 20, 1941, from the State of South Dakota into the State of Illinois of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 12, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

4574. Adulteration of butter. U. S. v. 17 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9566. Sample No. 30736-F.)

On February 26, 1943, the United States attorney for the Western District of Washington filed a libel against 17 cartons, each carton containing 30 prints, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 20, 1943, by the Boundary Creamery Co. from Bonners Ferry, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Carton) "Butter Puget Sound Butter & Egg Co. Seattle, Wash.," (print) "Washington Maid Fine Creamery Butter."

On March 1, 1943, the Boundary Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4575. Misbranding of butter. U. S. v. 4 Boxes (256 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9464. Sample No. 13546-F.)

On February 1, 1943, the United States attorney for the Western District of Washington filed a libel against 4 boxes, each containing 64 1-pound prints, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 27, 1943, by the Cottage Grove Creamery from Cottage Grove, Oreg.; and charging that it was misbranded in that the statement in the labeling "One Pound," was false and misleading since the package contained less than that quantity, and in that the label failed to bear an accurate statement of the quantity of the contents, since the quantity stated was incorrect. The article was labeled in part: (Print) "Red Rose Brand."

On February 17, 1943, the Walter Ely Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

CHEESE

Nos. 4576 to 4590 report legal actions involving cheese, samples of which were found to be contaminated with insect or rodent infestation, such as insect fragments, rodent hairs, or other kinds of filth. In addition Nos. 4576 and 4590 were low in fat.

4576. Adulteration and misbranding of cheese and adulteration of butter. U. S. v. Kyle Creamery Association. Plea of guilty. Fine, \$500. (F. D. C. No. 7673. Sample Nos. 80064-E to 80067-E, incl., 80074-E.)

Samples of these products were found to contain filth such as rodent hairs, larvae skins, fragments of small beetles, particles of aluminum paint, cow hairs, feather barbules, rodent pellets, and larvae. Portions of the cheese contained less than 50 percent of milk fat.

On October 28, 1942, the United States attorney for the Southern District of Indiana filed an information against the Kyle Creamery Association, a corporation, at Aurora, Ind., alleging shipment within the period from on or about March 30 to April 20, 1942, from the State of Indiana into the State of Ohio of quantities of cheese that was adulterated and misbranded and of butter that was adulterated. The cheese was labeled in part: "Whole Milk Cheese." The butter was labeled in part: (Wrapper) "Creamery Butter J. T. Ruther & Sons Cincinnati, Ohio Distributors."

Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The cheese was alleged to be misbranded in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to said definition and standard of identity since its solids contained less than 50 percent milk fat.

On January 16, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

4577. Adulteration of grated cheese. U. S. v. M. Wildstein & Sons, Inc. (New Yorker Cheese Co.). Plea of *nolo contendere*. Fine, \$400. (F. D. C. No. 8796. Sample Nos. 22402-F, 22522-F, 24345-F, 24470-F.)

On February 19, 1943, the United States attorney for the Eastern District of Pennsylvania filed an information against M. Wildstein & Sons, Inc., a corporation, registered under the fictitious name New Yorker Cheese Co., at Philadelphia, Pa., alleging shipment within the period from on or about June 3 to September 11, 1942, from the State of Pennsylvania into the States of New Jersey and Maryland of a quantity of grated cheese that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "New Yorker Brand Italian Style Grated Cheese * * * New Yorker Cheese Co."

On March 10, 1943, a plea of *nolo contendere* having been entered on behalf of the defendant, the court imposed a fine of \$400.

4578. Adulteration of cheese. U. S. v. 59 Cases of Cheese. Consent decree of condemnation. Product ordered released under bond for salvage. (F. D. C. No. 8997. Sample No. 17785-F.)

On December 12, 1942, the United States attorney for the Southern District of New York filed a libel against 59 cases, each containing approximately 200 pounds, of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1942, by the Dionisio Cheese Mfg. Co., from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 25, 1943, the J. Ossola Co. Inc., of New York, N. Y., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fat, under the supervision of the Food and Drug Administration, to be used in the manufacture of soap and glycerin, the nonfat residue to be disposed of for purposes other than human consumption.

4579. Adulteration of Cheddar cheese. U. S. v. 55 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8023. Sample Nos. 4704-F, 4705-F.)

On August 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 55 boxes of Cheddar cheese at Washington Court House, Ohio, which had been consigned on or about June 23 and 24, 1942, by the Tonica Milk Products Co., alleging that the article had been shipped in interstate commerce from Tonica and Flanagan, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4580. Adulteration of cheese. U. S. v. 49 Cartons of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9054. Sample No. 4698-F.)

On December 22, 1942, the United States attorney for the Northern District of Ohio filed a libel against 49 cartons, each containing 2 loaves, of cheese at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 2, 1942, by McCadam Cheese Co., Inc., from Heuvelton, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4581. Adulteration of Cheddar cheese. U. S. v. 46 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8638. Sample No. 7295-F.)

On or about October 23, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 46 boxes of Cheddar cheese at Platteville, Wis.; alleging that the article had been shipped in interstate commerce on or about October 9, 1942, by the Farmers Creamery Co. from Ryan, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4582. Adulteration of Cheddar cheese. U. S. v. 195 Cartons of Cheese. Default decree of condemnation. Product ordered disposed of for industrial purposes. (F. D. C. No. 8469. Sample No. 18103-F.)

On October 1, 1942, the United States attorney for the District of New Jersey filed a libel against 195 cartons, each containing 40 pounds, of cheese at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by the West Martinsburg Cheese Factory from Lowville, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "New York State Brand * * * Whole Milk Cheese."

On January 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a soap works for mixing with other fats intended for industrial purposes.

4583. Adulteration of Cheddar cheese. U. S. v. 46 Boxes of Cheddar Cheese. Default decree of condemnation. Product ordered sold for uses other than human consumption. (F. D. C. No. 8088. Sample No. 4605-F.)

On August 8, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 46 70-pound boxes of Cheddar cheese at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about July 3, 1942, by Hart County Creamery from Horse Cave, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food, and in that it had been prepared under insanitary conditions whereby it may have been rendered injurious to health.

On January 13, 1943, no claimant having appeared, judgment of condemnation was entered. On February 4, 1943, the Nashville Buttermilk Co. of Nashville, Tenn., having offered to purchase the product and having filed a bond conditioned that it would not be disposed of for human consumption, the court ordered the product sold in accordance with such offer.

4584. Adulteration of Cheddar cheese. U. S. v. 55 Cheddar Cheeses. Consent decree of condemnation. Product ordered released under bond for denaturing for use for other than human consumption. (F. D. C. No. 8155. Sample No. 7327-F.)

On August 18, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 55 Cheddar cheeses, each weighing 74 pounds, at Marinette, Wis., alleging that the article had been shipped in interstate commerce on or about July 31, 1942, by the Daggett Cheese & Creamery Co., Daggett, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 4, 1943, Edward G. Miller, trading as the Daggett Cheese & Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of for purposes other than human consumption.

4585. Adulteration of Cheddar cheese. U. S. v. 46 Boxes of Cheddar Cheese. Default decree of condemnation. Product ordered sold for industrial purposes. (F. D. C. No. 8179. Sample No. 7204-F.)

On August 21, 1942, the United States attorney for the District of New Jersey filed a libel against 46 75-pound boxes of white Cheddar cheese at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 19, 1942, by the Sanitary Milk Co. from Dubuque, Iowa, to Platteville, Wis., and on or about July 19, 1942, from Platteville, Wis., to Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of

a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On January 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold and the fats salvaged for industrial purposes.

4586. Adulteration of Cheddar cheese. U. S. v. 29 Cheddar Cheeses. Default decree of condemnation and destruction. (F. D. C. No. 8549. Sample No. 7285-F.)

On October 7, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 29 Cheddar cheeses at Fennimore, Wis., alleging that the article had been shipped in interstate commerce on or about September 29, 1942, by the Hazleton Cheese Co. from Hazleton, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4587. Adulteration of cheese. U. S. v. 168 Cheeses. Default decree of condemnation. Product ordered sold for nonfood purposes. (F. D. C. No. 7983. Sample No. 2011-F.)

On August 5, 1942, the United States attorney for the Northern District of Illinois filed a libel against 168 cheeses, each weighing approximately 75 pounds, at Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about June 2, 1942, from Washington, Iowa, by the Beatrice Creamery Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 19, 1943, the Beatrice Creamery Co. having appeared as claimant but having failed to answer or proceed further, a default decree of condemnation was entered and the product was ordered sold at the best price obtainable on condition that the purchaser restrict the use of the oils, fats, or greases therein contained to nonfood purposes.

4588. Adulteration of grated cheese. U. S. v. 80 Cases of Grated Cheese. Default decree of condemnation. Product ordered delivered to a soap factory to be salvaged. (F. D. C. No. 7925. Sample No. 22402-F.)

On July 15, 1942, the United States attorney for the District of New Jersey filed a libel against 80 cases, each containing 24 bottles, of grated cheese at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about June 3 and 4, 1942, by M. Wildstein & Sons, Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Bottles) "New Yorker Brand Italian Style Grated Cheese * * * Packed By New Yorker Cheese Co. Phila. Pa."

On January 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a soap factory for salvaging the fats on condition that they not be used for human consumption.

4589. Adulteration of goat-milk cheese. U. S. v. 17 Unlabeled Goat-Milk Cheeses. Default decree of condemnation and destruction. (F. D. C. No. 8934. Sample No. 15811-F.)

On December 3, 1942, the United States attorney for the District of New Jersey filed a libel against 17 20-pound goat-milk cheeses at Passaic, N. J., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by Joe Sinatra from Aguilar, Colo., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4590. Adulteration of process cheese and adulteration and misbranding of Colby cheese. U. S. v. 121 Boxes of Cheese (and 2 additional seizure actions against cheese). Decrees of condemnation. One lot ordered destroyed, remainder ordered released under bond for reprocessing. (F. D. C. Nos. 8158, 8990, 9118. Sample Nos. 4472-F, 4473-F, 12814-F, 31854-F.)

The process cheese contained hairs resembling those of rodents, and the Colby cheese contained excessive moisture and one lot was deficient in milk fat.

Between August 17, 1942, and January 5, 1943, the United States attorneys for the Southern District of California and the Southern District of Ohio filed libels against 121 5-pound boxes of process cheese at Fresno, Calif., 15 cases, each containing 2 cheeses, and 50 cases, each containing 4 cheeses, and 11 tubs, each containing 4 cheeses, at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to December 14, 1942, by Swift & Co. from Portland, Oreg., and Marion, Ind. The article was labeled in part: "Swift Brookfield American Pasteurized Processed Cheese," or "Brookfield Brand Colby Cheese."

The process cheese was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The Colby cheese was alleged to be adulterated in that a substance containing excessive moisture, a portion of which was deficient in milk fat, had been substituted wholly or in part for Colby cheese which it purported and was represented to be.

The Colby cheese was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations provided by law but failed to conform to such definition and standard, since it contained more than 40 percent of moisture and the solids in one of the lots contained less than 50 percent of milk fat.

On October 26, 1942, no claimant having appeared for the process cheese, judgment of condemnation was entered and the product was ordered destroyed. On February 17, 1943, Swift & Co., having appeared as claimant for the Colby cheese, judgments of condemnation were entered and the product was ordered released under bond for blending with other cheese and its manufacture into process cheese under the supervision of the Food and Drug Administration.

4591. Adulteration of Swiss cheese. U. S. v. 4 Wheels of Swiss Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8444. Sample No. 2211-F.)

This product contained milk fat ranging from 40.41 percent to 42.21 percent on a dry basis. Swiss cheese should contain not less than 45 percent milk fat on a dry basis.

On September 30, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 4 wheels of Swiss cheese at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Hillsdale Cheese Co. from McConnell, Ill.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a substance containing less milk fat than Swiss cheese should contain had been substituted for the article.

On March 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS

4592. Adulteration of cream. U. S. v. 12, 3, and 5 10-Gallon Cans of Cream. Consent decrees of condemnation. Product ordered disposed of for technical war purposes. (F. D. C. Nos. 9289, 9290, 9296. Sample Nos. 15247-F, 15248-F, 15250-F, 15252-F, 15253-F, 15958-F, 16101-F, 16102-F, 16105-F, 16106-F, 16110-F, 16111-F, 16113-F.)

On January 5 and 8, 1943, the United States attorney for the District of Colorado filed three libels against a total of 20 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about December 30, 1942, to January 5, 1943, in various shipments by M. Nielsen from Grant, Nebr., S. B. Baker from Wallace, Nebr., A. Mickish from Culbertson, Nebr., Bessie Knight from Benkelman, Nebr., E. J. Meehan from Sidney, Nebr., Emil Cords from Potter, Nebr., M. Harris from Ogallala, Nebr., Hansie Johnson from Champion, Nebr., Rose Bowker from Big Springs, Nebr., Mildred Thompson from Bayard, Nebr., and Harold Hobson from Wheatland, Wyo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 5 and 8, 1943, the consignee having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed. On January 13, 1943, the court entered an amended decree ordering that the product be turned over to the consignee to be churned, the butterfat returned to the marshal

to be sold to a rendering plant, and the fats disposed of for technical war purposes.

4593. Misbranding of oleomargarine. U. S. v. The Miami Margarine Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 7753. Sample Nos. 91963-E, 4555-F, 4556-F, 9208-F.)

On January 12, 1943, the United States attorney for the Southern District of Ohio filed an information against the Miami Margarine Co., a corporation, Cincinnati, Ohio, alleging shipment within the period from on or about June 1 to October 12, 1942, from the State of Ohio into the States of Alabama and Indiana of quantities of oleomargarine that was misbranded. The article was labeled in part: (Cartons) "Nu-Maid Vegetable Oleomargarine One Pound Net Weight," "Delmar Vegetable Oleomargarine," or "Little Sport * * * Vegetable Oleomargarine."

A portion of the article was alleged to be misbranded in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the packages were represented to contain 1 pound net weight, and they contained a less amount. The remainder was alleged to be misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and did not conform to such definition and standard of identity since it did not contain 80 percent of fat.

On January 15, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

EGGS

4594. Adulteration of frozen whole eggs. U. S. v. Marshall Kirby & Co., Inc. Plea of guilty. Fine, \$1,000. (F. D. C. No. 7689. Sample No. 84216-E.)

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Marshall Kirby & Co., Inc., a corporation, at New York City, N. Y., alleging shipment on or about December 16, 1941, from the State of New York into the State of New Jersey of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On April 29, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

4595. Adulteration of frozen whole eggs. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$50. (F. D. C. No. 8753. Sample No. 12701-F.)

On January 13, 1943, the United States attorney for the District of Montana filed an information against the Fergus County Creamery, a corporation, at Lewistown, Mont., alleging shipment on or about June 15, 1942, from the State of Montana into the State of Washington of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of decomposed substances. On January 25, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

4596. Adulteration of frozen eggs. U. S. v. The Fairmont Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 8786. Sample No. 85692-E.)

On February 4, 1943, the United States attorney for the District of Kansas filed an information against the Fairmont Creamery Co., a corporation at Dodge City, Kans., alleging shipment on or about June 3, 1942, from the State of Kansas into the State of Washington of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of decomposed substances.

On March 8, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

4597. Adulteration of frozen eggs. U. S. v. Swift & Co. Plea of nolo contendere. Judgment of guilty. Fine, \$100. (F. D. C. No. 7737. Sample Nos. 70489-E, 94242-E.)

On December 2, 1942, the United States attorney for the Northern District of Texas filed an information against Swift & Co., a corporation, Fort Worth, Tex., alleging shipment on or about July 23, 1941, and April 30, 1942, from the State of Texas into the States of Missouri and Florida of quantities of frozen eggs that were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "L Mixed Eggs," "Blend—Whites-Yolks Mixed," or "Frozen Whole Eggs."

On February 24, 1943, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$100.

4598. Adulteration of frozen mixed eggs. U. S. v. Mrs. Yetta Weiner (Iowa Egg Co.). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 7297. Sample No. 84201-E.)

On November 18, 1942, the United States attorney for the Southern District of Iowa filed an information against Mrs. Yetta Weiner, trading as Iowa Egg Co., at Des Moines, Iowa, alleging shipment on or about October 6, 1941, from the State of Iowa into the State of New Jersey of a quantity of frozen mixed eggs that were adulterated in that they consisted in whole or in part of putrid and decomposed substances.

On May 21, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

4599. Adulteration of frozen eggs. U. S. v. 65 Cans of Frozen Eggs. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 2453. Sample No. 13699-E.)

On July 25, 1940, the United States attorney for the Territory of Hawaii filed a libel against 65 cans, each containing 30 pounds, of frozen eggs at Honolulu, T. H., which had been shipped by the Puget Sound Egg Packers, alleging that the article had been shipped on or about July 19, 1940, from Tacoma, Wash.; and charging that it was adulterated in that it was in whole or in part filthy, putrid, decomposed, and otherwise unfit for food.

On March 15, 1941, Nye & Nissen, Inc., claimant, filed an answer denying that the product was adulterated as alleged but admitting that there were 9 cans of egg that were subject to forfeiture and destruction.

On February 8, 1943, the case came on for hearing and the court found the product adulterated, and on February 9, 1943, judgment of condemnation was entered and it was ordered that the product be destroyed and that costs be assessed against the claimant.

4600. Adulteration of frozen whole eggs. U. S. v. 172 Cartons of Frozen Whole Eggs. Default decree of condemnation. Product ordered sold to highest bidder. (F. D. C. No. 9166. Sample No. 6218-F.)

On January 9, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 172 cartons, each containing 32 pounds, of frozen whole eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the Cudahy Packing Co. from Cuero, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the decree was amended, the order of destruction was vacated and the product ordered sold after safeguards had been adopted, as directed by the Federal Security Agency, to prevent the disposition in violation of the law.

4601. Adulteration of frozen whole eggs. U. S. v. 1,000 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and denaturing or destruction of the unfit portion. (F. D. C. No. 9219. Sample Nos. 2276-F, 2283-F.)

On January 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 1,000 30-pound cans of frozen whole eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 7, 1942, by L. D. Schreiber & Co. from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Eggs * * * Packed by Manhattan Egg Co. Inc"

On January 28, 1943, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion and denaturing or destruction of the unfit portion, under the supervision of the Food and Drug Administration.

4602. Adulteration of frozen eggs. U. S. v. 45 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. D. C. No. 8948. Sample No. 29046-F.)

On December 8, 1942, the United States attorney for the Northern District of Georgia, filed a libel against 45 30-pound cans of frozen eggs at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Tennessee Egg Co., from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4603. Adulteration of frozen eggs. U. S. v. 269 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. No. 8636. Sample Nos. 18123-F, 18124-F.)

On October 23, 1942, The United States attorney for the District of New Jersey filed a libel against a total of 269 cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about October 5 and 13, 1942, by Marshall Kirby & Co., of New York, N. Y., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Eggs."

On January 23, 1943, Marshall Kirby & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit portion and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

4604. Adulteration of spray-dried whole eggs. U. S. v. 46 Barrels of Spray Dried Whole Eggs. Consent decree of condemnation. Product ordered released under bond for sale as animal feed. (F. D. C. No. 8921. Sample No. 20818-F.)

On December 15, 1942, the United States attorney for the Western District of New York filed a libel against 46 160-pound barrels of spray-dried whole eggs at Arcade, N. Y., alleging that the article had been shipped and delivered for shipment in interstate commerce on or about the latter part of October, 1942, by the Borden Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 9, 1943, the Borden Co., claimant, having admitted that the article was adulterated, judgment of condemnation was entered and the product was ordered released under bond for sale to a manufacturer of animal feed.

FISH AND SHELLFISH

4605. Adulteration of frozen fish fillets. U. S. v. T. & J. Busalacchi, Inc. Plea of guilty. Fine, \$75. (F. D. C. No. 7717. Sample Nos. 62466-E, 64887-E, 80801-E, 86548-E.)

This product contained parasites, i. e., Copepods.

On November 10, 1942, the United States attorney for the District of Massachusetts filed an information against T. & J. Busalacchi, Inc., a corporation, at Boston, Mass., alleging shipment on or about April 2 and May 18, 1942, from the State of Massachusetts into the States of Pennsylvania and Illinois of a quantity of frozen fish that was adulterated in that it consisted in whole or in part of a filthy substance. The information alleged further that on or about March 12, 1941, the defendant gave to the Slade Gorton Co. a guaranty that all food products delivered by the defendant to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about April 2, 1942, the defendant sold and delivered quantities of fish fillets to Slade Gorton Co. which were, on or about April 7, 1942, shipped by the purchaser in interstate commerce from the State of Illinois into the State of Michigan. The information charged further that the defendant, in violation of said act, gave a guaranty which was false since the fish so sold and delivered was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Fish Fillets Deep Sea Brand."

On December 22, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

4606. Adulteration of frozen pollack fillets. U. S. v. 213 Boxes of Frozen Pollack Fillets. (F. D. C. No. 8992. Sample No. 1879-F.)

On December 11, 1942, the United States attorney for the Northern District of Illinois filed a libel against 213 15-pound boxes of pollack fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 19, 1942, by the Slade Gorton Co., Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Box) "Pollack Fillets. Packed by Empire Fish Co., Gloucester, Mass."

On January 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4607. Adulteration of frozen perch fillets and whiting. U. S. v. 166 Boxes of Ocean Perch Frosted Fillets and 39,276 Pounds of Frozen Fish (H. & G. Whiting). Decrees of condemnation. Whiting ordered released under bond for segregation and destruction of unfit portion; perch fillets ordered destroyed. (F. D. C. Nos. 8559, 8699. Sample Nos. 1847-F, 6406-F.)

On October 16 and November 4, 1942, the United States attorneys for the Northern District of Illinois and the Eastern District of Missouri filed libels against 166 10-pound boxes of frozen perch fillets at Chicago, Ill., and 39,276 pounds of frozen H. & G. whiting at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about August 19 and September 29, 1942, by the Colonial Sea Food Co., from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances.

On November 19, 1942, the Kroger Grocery & Baking Co., claimant for the lot seized at St. Louis, Mo., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On January 9, 1943, no claimant having appeared for the lot seized at Chicago, judgment of condemnation was entered and the product was ordered destroyed.

4608. Adulteration of frozen whiting. U. S. v. Mariner's Fish Co. Plea of guilty. Fine, \$100. (F. D. C. No. 7249. Sample No. 29735-E.) U. S. v. Mariner's Fish Co. Plea of guilty. Fine, \$100. (F. D. C. No. 7276. Sample No. 79114-E.)

On July 21, 1942, and March 30, 1943, the United States attorney for the District of Massachusetts filed informations against the Mariner's Fish Co., a corporation, Gloucester, Mass., alleging shipment on or about August 11 and 16, 1941, from the State of Massachusetts into the State of Ohio of quantities of frozen whiting that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Butterfly Whiting Frosted," or "H & G Whiting."

On April 6, 1943, pleas of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 in each case.

4609. Adulteration of frozen whiting. U. S. v. 6 Cartons of H and G Whiting. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 9239. Sample No. 16122-F.)

On or about February 4, 1943, the United States attorney for the District of Colorado filed a libel against 6 cartons, each containing 5 10-pound cartons, of frozen whiting at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about December 22, 1942, from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Shipping carton) "H & G Whiting * * * Packed by General Seafoods Corporation, Boston, Mass."

On February 26, 1943, the General Seafoods Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4610. Adulteration of frozen whiting. U. S. v. 4,698 Pounds of Frozen Whiting (and 2 other seizures of whiting). Default decrees of condemnation and destruction. (F. D. C. Nos. 8985, 9063, 9091. Sample Nos. 18872-F, 18875-F, 18880-F to 18882-F, incl., 18887-F.)

On December 9, 28, and 30, 1942, the United States attorney for the Southern District of New York filed libels against a total of 36,022 pounds of frozen whiting at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 29 to September 14, 1942, from Provincetown, Mass., by Gonsalves Fish Co., [or M. Gonsalves Fish Co., or M. Gonsalves]; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 3, 16, and 23, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4611. Adulteration of frozen whiting and haddock fillets. U. S. v. Henry & Close, Inc. Plea of guilty. Fine, \$400. (F. D. C. No. 7250. Sample Nos. 29630-E, 29636-E, 42966-E, 42968-E, 79112-E, 79118-E, 79312-E.)

On July 21, 1942, the United States attorney for the District of Massachusetts filed an information against Henry & Close, Inc., a corporation, at Boston, Mass., alleging shipment in interstate commerce within the period from on or about June 21 to September 16, 1941, from the State of Massachusetts into the States of Ohio and Pennsylvania of quantities of fish that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Frozen Butterfly Whiting Fillets," "Frozen Fillets," or "Frozen Fillets H & G Whiting."

On January 26, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

4612. Misbranding of white-meat tuna fish. U. S. v. Martel Food Corporation. Plea of guilty. Fine, \$850. (F. D. C. No. 5507. Sample Nos. 34485-E, 34487-E to 34489-E, incl.)

On November 18, 1942, the United States attorney for the Southern District of New York filed an information against the Martel Food Corporation, New York, N. Y., alleging that on or about September 3, 1940, the defendant falsely labeled and caused to be falsely relabeled certain cans of tuna fish while they were held for sale after shipment in interstate commerce, which resulted in such tuna fish being misbranded as "White Meat * * * Tuna Fish * * * Albacore," when in fact it was a light-meat tuna fish, the flesh of a fish other than the albacore. The information alleged further that on or about August 29, 1940, the defendant shipped from New York, N. Y., to New Brunswick, N. J., a number of cans of fish labeled in part: "White Meat * * * Tuna Fish * * * Albacore"; that the said cans were falsely mislabeled and misbranded since they contained a light-meat tuna fish; and that the fish so shipped in interstate commerce was adulterated in that light-meat tuna had been substituted wholly or in part for white-meat tuna fish.

On January 5, 1943, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$850.

4613. Adulteration and misbranding of canned sardines. U. S. v. Calvin L. Stinson (Addison Packing Co.). Plea of guilty. Fine, \$5,000. (F. D. C. No. 6489. Sample Nos. 62273-E, 62274-E, 69596-E, 69601-E, 74504-E, 74505-E, 75512-E, 84005-E.)

On June 20, 1942, the United States attorney for the District of Maine filed an information against Calvin L. Stinson, trading as Addison Packing Co., at Southwest Harbor, Maine, alleging shipment within the period from on or about June 20 to August 15, 1941, from the State of Maine into the States of New York, Massachusetts, and Illinois of quantities of canned sardines that were adulterated and misbranded. All shipments, with one exception, were labeled in part: "Surfman Brand * * * Sardines In Pure Olive Oil," "Farm House * * * American Sardines * * * Packed In Pure Olive Oil, Reid Murdoch & Co. * * * Distributors Chicago Pittsburgh New York," or "Buoy Brand Sardines In Pure Olive Oil Seeman Bros., Inc. Distributors, New York, N. Y." One shipment was unlabeled but was invoiced "Olive Oil Sardines Key Plain."

All lots were alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom, and in that sardines packed in a packing medium consisting wholly or in part of an oil or oils other than olive oil, had been substituted for sardines packed in olive oil, which the article purported to be.

All lots with the exception of the unlabeled lot were alleged to be misbranded (1) in that the statement "In Pure Olive Oil," borne on the cans, was false and misleading since the article was not packed in pure olive oil, but was packed in a substance consisting wholly or in a large part of an oil or oils other than olive oil; (2) in that it was offered for sale under the name of another food, "Sardines in Pure Olive Oil," and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On April 21, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$5,000.

4614. Adulteration of canned oysters. U. S. v. 1,717 Cases of Canned Oysters. Product ordered released under bond for segregation of the fit from the unfit and destruction of the latter. (F. D. C. No. 4942, Sample Nos. 17283-E, 17284-E, 49206-E.)

On June 17, 1941, the United States attorney for the Middle District of Tennessee filed a libel against 1,717 cases, each containing 24 cans, of oysters at Nash-

ville, Tenn., alleging that the article had been shipped in interstate commerce on or about May 15, 1941, by the Dorgan Packing Corporation from Biloxi, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Register of Merit Brand Oysters."

On January 21, 1943, the Dorgan Packing Corporation, claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that the unfit portion be segregated from the fit portion and the former destroyed.

4615. Adulteration of oysters. U. S. v. 26 Cans and 49 Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 8927. Sample No. 36830-F.)

On November 25, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against 75 cans of oysters at Hanover, Pa., alleging that the article had been shipped in interstate commerce on or about November 23, 1942, by the Atlantic Fish Co. from Baltimore, Md.; and charging that it was adulterated in that water had been substituted wholly or in part for the article, and in that water had been added, mixed or packed with it so as to increase its bulk and weight, reduce its quality and strength, and make it appear better or of greater value than it was.

On February 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4616. Adulteration of crab meat. U. S. v. Boneless Crabmeat Co., Inc. Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 8764. Sample Nos. 24614-F, 24617-F, 24827-F.)

On March 3, 1943, the United States attorney for the District of Maryland filed an information against the Boneless Crabmeat Co., Inc., Crisfield, Md., alleging delivery at Crisfield, Md., for introduction into interstate commerce from the State of Maryland into the States of Pennsylvania and New Jersey, on or about July 29 and 30 and September 3, 1942, of quantities of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of fecal pollution, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 19, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 and costs.

4617. Adulteration of crab meat. U. S. v. Herbert L. Lawson (Star Oyster Co.). Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 8747. Sample Nos. 24013-F, 24024-F, 24816-F.)

On January 5, 1943, the United States attorney for the District of Maryland filed an information against Herbert L. Lawson, trading as the Star Oyster Co. at Crisfield, Md., alleging shipment within the period from on or about July 23 to 29, 1942, from the State of Maryland into the States of Delaware and Pennsylvania of a quantity of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of fecal pollution, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 19, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$300 and costs.

4618. Adulteration of crab meat. U. S. v. Robert L. Wharton (R. L. Wharton Co.). Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 8748. Sample No. 24818-F.)

On January 5, 1943, the United States attorney for the District of Maryland filed an information against Robert L. Wharton, trading as R. L. Wharton Co. at Crisfield, Md., alleging shipment on or about July 23, 1942, from the State of Maryland into the State of New Jersey of a quantity of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance, by reason of the presence of fecal pollution, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 19, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250 and costs.

4619. Adulteration of crab meat. U. S. v. James E. Warner, J. Lester Harrison, Stanley R. Harrison, and Wilson M. Jarboe (Harrison & Jarboe Seafood Co.). Pleas of guilty. J. Lester Harrison, Stanley R. Harrison, and Wilson M. Jarboe each fined \$85 and costs and James E. Warner fined \$50 and costs. (F. D. C. No. 8749. Sample Nos. 24804-F, 24807-F to 24809-F, incl.)

On January 5, 1943, the United States attorney for the District of Maryland filed an information against James E. Warner, J. Lester Harrison, Stanley R. Harrison, and Wilson M. Jarboe, trading as Harrison & Jarboe Seafood Co. at St. Michaels, Md., alleging shipment on or about July 16 and 17, 1942, from the State of Maryland into the States of Pennsylvania and Delaware, and the District of Columbia, of quantities of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of fecal pollution, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 19, 1943, pleas of guilty having been entered, the court imposed a fine of \$85 and costs against each of the defendants, J. Lester Harrison, Stanley R. Harrison, and Wilson M. Jarboe, and imposed a fine of \$50 and costs against the defendant James E. Warner.

4620. Adulteration of crab meat. U. S. v. L. R. Carson, Inc. Plea of guilty. Imposition of sentence suspended for a period of 3 years. (F. D. C. No. 8759. Sample Nos. 24018-F, 24021-F.)

On December 31, 1942, the United States attorney for the Eastern District of Virginia filed an information against L. R. Carson, Inc., a corporation, trading at Tangier, Va., alleging shipment on or about July 25 and 28, 1942, from the State of Virginia into the State of Maryland of a quantity of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance by reason of fecal pollution. The article was labeled in part: "Crabmeat L. R. Carson, Crisfield, Md."

On May 14, 1943, a plea of guilty having been entered on behalf of the defendant, the court suspended imposition of sentence for a period of 3 years.

4621. Adulteration of crab meat. U. S. v. Gordon L. Lewis (G. L. Lewis Crabmeat Plant). Plea of nolo contendere. Fine, \$100 on first count. Sentence suspended on second and third counts. Defendant placed on probation for 2 years. (F. D. C. No. 7739. Sample Nos. 70865-E, 82615-E, 82625-E.)

On November 23, 1942, the United States attorney for the Southern District of Florida filed an information against Gordon L. Lewis, Jacksonville, Fla., alleging shipment in interstate commerce within the period from on or about May 14, to June 24, 1942, from the State of Florida into the States of New York and Maryland of quantities of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of fecal pollution.

On February 15, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on the first count. Imposition of the sentence was suspended on the second and third counts and defendant was placed on probation for 2 years on condition that the officers comply with reasonable sanitary regulations.

4622. Adulteration of frozen shrimp. U. S. v. 127 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9329. Sample Nos. 19145-F, 19148-F.)

On February 8, 1943, the United States attorney for the Southern District of New York filed a libel against 127 10-pound bags of shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about August 20 to 22, 1942, in various shipments by the King Shrimp Co. from Brunswick, Ga., the Atlantic Shrimp Co. from Darien, Ga., and M. V. Jennings, from Valona, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 2, 1943, no claimant having appeared, judgement of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRESH AND FROZEN FRUIT

4623. Adulteration of apples. U. S. v. 13 Boxes and 57 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 8980. Sample Nos. 5841-F, 5842-F.)

On November 30, 1942, the United States attorney for the Western District of Tennessee filed a libel against 70 boxes, each containing 40 pounds, of apples

at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about October 23, 1942, by the Fruit Growers Service Co., Inc., from Wenatchee, Wash.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, arsenic and lead, which might render it injurious to health. The article was labeled in part: "Boy Blue Brand Wenatchee Apples," or "C Grade Red Delicious * * * Luxor Wenatchee Apples."

On January 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4624. Adulteration of frozen strawberries. U. S. v. Blue Lake Producers Cooperative. Plea of guilty. Fine, \$25. (F. D. C. No. 8779. Sample Nos. 10465-F, 10466-F.)

Examination of this product showed the presence of moldy berries.

On January 14, 1943, the United States attorney for the District of Oregon filed an information against the Blue Lake Producers Cooperative, a corporation, at Salem, Oreg., alleging shipment on or about August 15, 1942, from the State of Oregon into the State of California of a quantity of frozen strawberries that were adulterated in that they consisted in whole or in part of decomposed substances.

On February 4, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

4625. Adulteration of frozen strawberries. U. S. v. 57 Barrels of Frozen Strawberries. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. 8684. Sample No. 18151-F.)

Examination of this product showed the presence of moldy berries.

On or about November 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 57 425-pound barrels of frozen strawberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 22, 1942, by R. D. Bodle Co. of Seattle, Wash., from Bellingham, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On February 15, 1943, the R. D. Bodle Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit, and destruction of the latter under the supervision of the Food and Drug Administration.

4626. Adulteration of frozen strawberries. U. S. v. 56 Barrels of Frozen Strawberries. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 9167. Sample Nos. 14925-F, 14944-F.)

Examination of this product showed the presence of moldy berries.

On January 9, 1943, the United States attorney for the Southern District of California filed a libel against 56 barrels, each containing 425 pounds, of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by the Cascade Frozen Foods, Inc., from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 19, 1943, the Cascade Frozen Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4627. Adulteration of frozen strawberries. U. S. v. 13 Barrels and 5 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 8541. Sample No. 1046-F.)

This product contained moldy berries.

On October 6, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 18 barrels of frozen strawberries at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by the S. A. Moffett Co., from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4628. Adulteration of frozen strawberry juice. U. S. v. 1 Barrel of Frozen Strawberry Juice. Default decree of condemnation and destruction. (F. D. C. No. 9041. Sample No. 10883-F.)

This product was sour and spoiled because of fermentation.

On December 18, 1942, the United States attorney for the Northern District of California filed a libel against 1 barrel of frozen strawberry juice at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 3, 1942, by the Diamond Ice & Storage Co. from Seattle, Wash., and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "S. A. Moffett Co. Seattle Wash."

On January 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUIT

4629. Adulteration of canned blackberries. U. S. v. Olympia Canning Co. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 7258. Sample Nos. 61458-E, 73378-E.)

This product contained moldy berries.

On July 16, 1942, the United States attorney for the Western District of Washington filed an information against the Olympia Canning Co., a corporation, Olympia, Wash. alleging shipment on or about September 3 and 20, 1941, from the State of Washington into the States of Idaho and Missouri of a quantity of canned blackberries that were adulterated in that they consisted in whole or in part of decomposed substances. The article was labeled in part: "Olympia Brand Blackberries."

On January 12, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

4630. Adulteration of canned blackberries. U. S. v. Stayton Canning Co. Cooperative. Plea of guilty. Fine, \$150. (F. D. C. No. 7755. Sample No. 93226-E.)

This product contained moldy berries.

On November 24, 1942, the United States attorney for the District of Oregon filed an information against the Stayton Canning Co. Cooperative, a corporation, at Stayton, Oreg., alleging that on or about September 19, 1941, the defendant gave to Wadhams & Co. a guaranty that all food products delivered by the defendant to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about October 8, 1941, the defendant sold and delivered quantities of canned blackberries to Wadhams & Co. which were, on or about the same date, shipped in interstate commerce by the purchaser from the State of Oregon into the State of Washington. The information charged further that the defendant, in violation of said act, gave a guaranty which was false since the product so sold and delivered was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 8, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

4631. Adulteration of canned prunes and misbranding of canned cherries. U. S. v. Verland V. Erntson, Charles A. Walin, Roy L. Walin, and Paul R. Walin (Silverton Canning Co.). Plea of guilty. Fine, \$30. (F. D. C. No. 7757. Sample Nos. 76734-E, 76949-E, 85613-E, 85614-E.)

On January 14, 1943, the United States attorney for the District of Oregon filed an information against Verland V. Erntson, Charles A. Walin, Roy L. Walin, and Paul R. Walin, copartners trading under the name Silverton Canning Co., Silverton, Oreg., alleging shipment in interstate commerce within the period from on or about September 18 to December 17, 1941, from the State of Oregon into the States of Iowa and Washington of a quantity of canned prunes that were adulterated, and of quantities of canned cherries that were misbranded. The articles were labeled in part: "Valley Home Brand Blue Plums (Prunes) * * * Distributed By Nash-Finch Co. Minneapolis, Minn.," "Silver Falls Cherries Dark Red Sour Pitted, In Water," or "Silver Falls Cherries Red Sour Pitted Choice Syrup."

The prunes were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

A portion of the canned cherries was alleged to be misbranded in that it purported to be and was represented as canned cherries, a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since more than 15 percent by count of the

cherries in the container were blemished with hail injury, scar tissue, or other abnormalities, such as bird pecks, bruises, limb rub, surface cracks and scale, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents, since the cans contained less than the amount declared on the label.

The remainder of the canned cherries was alleged to be misbranded: (1) In that the statement "choice sirup" borne on the label was false and misleading since it suggested that the article was packed in sirup, but it was packed in water. (2) In that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since such standard did not provide for canned cherries packed in water being designated as canned cherries packed in choice sirup and, further, since its label failed to bear the common name of the optional liquid packing medium present in the article, water. (3) In that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since more than 15 percent by count of cherries in the container were blemished with scab, hail injury, scar tissue, or other abnormalities such as bird pecks, bruises, limb rub, and surface cracks, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 3, 1943, pleas of guilty having been entered by the defendants, the court imposed a fine of \$30 on the company.

4632. Misbranding of canned cherries. U. S. v. 446 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8915. Sample No. 19333-F.)

On November 25, 1942, the United States attorney for the District of Massachusetts filed a libel against 446 cases, each containing 24 cans, of cherries at Charleston, Mass., alleging that the article had been shipped in interstate commerce on or about August 29, 1942, by the Smithfield's Pure Food Co., Inc., from Hlilton, N. Y. The article was labeled in part: (Cans) "Smithfield's Red Sour Pitted Cherries in Water Contents 1 Lb. 4 Ozs."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations promulgated pursuant to law, but it fell below such standard since there was not present in the container the maximum quantity of the cherry ingredient which can be packed as required and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 26, 1943, the Smithfield's Pure Food Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4633. Adulteration of canned peaches. U. S. v. 29 Cartons of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. No. 8931. Sample No. 14923-F.)

This product contained worm fragments.

On November 27, 1942, the United States attorney for the Southern District of California filed a libel against 29 cartons, each containing 48 cans, of peaches at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by the Gerber Products Co. from Fremont, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Gerber's New Strained Peaches."

On January 28, 1943, no answer or other pleading having been filed, judgment of condemnation was entered and the product was ordered destroyed.

4634. Misbranding of canned peaches. U. S. v. 178 Cases of Canned Peaches. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 8278. Sample No. 28127-F.)

Examination showed the product to be substandard in quality.

On or about September 1, 1942, the United States attorney for the Southern District of Florida filed a libel against 178 cases, each containing 24 cans, of peaches at Lakeland, Fla. alleging that the article had been shipped in interstate commerce on or about July 18, 1942, by the Georgia Canning Co., Inc. from

Wayside, Ga. The article was labeled in part: "Shaver's Brand White Freestone Peaches Halves in Heavy Syrup Contents 1 Lb. 12 Ozs."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law and it fell below such standard since the standard provides that all peach units should be pierced by a weight of not more than 300 grams and that in the case of peach halves all units be untrimmed or so trimmed as to preserve normal shape, whereas, all peach units when so tested were not pierced by a weight of not more than 300 grams and all units were not untrimmed or were not so trimmed as to preserve normal shape, and the label of the article failed to bear, in such manner and form as the standard specifies, a statement that it fell below standard.

On January 4, 1943, the Georgia Canning Co., Inc., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

4635. Adulteration of stuffed green olives. U. S. v. 10 Cases of Stuffed Green Olives. Default decree of condemnation and destruction. (F. D. C. No. 9016. Sample No. 19536-F.)

This product had undergone decomposition and was unfit for food.

On December 14, 1942, the United States attorney for the District of Massachusetts filed a libel against 10 cases, each containing 24 bottles, of stuffed green olives at Camp Edwards, Mass., alleging that the article had been shipped in interstate commerce on or about October 26, 1942, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Premier Spanish Olives Stuffed With Spanish Sweet Peppers."

On January 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

4636. Adulteration of canned asparagus. U. S. v. William Peter Jensen (Kenton Packing Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 8771. Sample Nos. 89548-E to 89550-E, incl.)

Examination of this product showed the presence of cans that had undergone flat-sour decomposition and in which the contents were sour, putrid, and contained living bacteria.

On January 15, 1942, the United States attorney for the District of Delaware filed an information against William Peter Jensen, trading as the Kenton Packing Co., at Kenton, Del., alleging shipment on or about May 8, 1942, from the State of Delaware into the State of New York of a quantity of canned asparagus that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sweet Life All Green Spears * * * Asparagus."

On January 30, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$150.

4637. Adulteration of cut green beans. U. S. v. 4,704 Cases of Cut Green Beans. Consent decree of condemnation. Fit portion ordered released. (F. D. C. No. 8965. Sample No. 15706-F.)

This product was underprocessed and in part decomposed.

On December 8, 1942, the United States attorney for the District of Utah filed a libel against 4,704 cases, each containing 6 No. 10 cans, of cut green beans at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about June 25 and 26, 1942, by Roberts Bros., Inc., from Winter Haven, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Big R Brand Cut Green Beans."

On February 5, 1943, Roberts Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, the decree providing that, upon the execution of a bond conditioned upon the separation of the fit from the unfit cans under the supervision of the Food and Drug Administration, the claimant might obtain release of the portion fit for human consumption.

4638. Misbranding of canned peas. U. S. v. 254 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 8966. Sample No. 20979-F.)

This product, in addition to being high in alcohol-insoluble solids, contained an excessive proportion of hard peas and its containers were slack filled.

On or about December 8, 1942, the United States attorney for the Western District of New York filed a libel against 254 cases, each containing 24 cans, of peas at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 27, 1942, by the Winchester Canning Co. from Canal Winchester, Ohio. The article was labeled in part: (Can) "Q Cu-Pee Brand P Medium Size Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard; in that it purported and was represented as a food for which a standard of fill of container had been prescribed by regulations but fell below such standard; and its label failed to bear, in such manner and form as the regulations specify, statements that it fell below such standards.

On January 16, 1943, the Winchester Canning Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

4639. Misbranding of canned peas. U. S. v. 664 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 9127. Sample No. 31750-F.)

On January 6, 1943, the United States attorney for the Eastern District of Tennessee filed a libel against 664 cases of canned peas at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1942, by the Winchester Canning Co. from Canal Winchester, Ohio. The article was labeled in part: "Winchester Brand Medium Size Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 11, 1943, the Cash & Haul Wholesale Grocery Co., Inc., Johnson City, Tenn., claimant, having admitted the allegations of the libel except as to the quantity (only 380 cases were seized), judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

4640. Misbranding of canned peas. U. S. v. 184 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8889. Sample No. 5905-F.)

On November 17, 1942, the United States Attorney for the Southern District of Iowa filed a libel against 184 cases, each containing 24 cans, of peas at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about July 16, 1942, by the Waldo Canning Co. from Waldo, Wis. The article was labeled in part: (Cans) "Maplewood * * * Wisconsin Early Variety Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard since the article was a smooth-skin variety of peas and the alcohol-insoluble solids were more than 23.5 percent, whereas the regulations provide that the alcohol-insoluble solids of a smooth-skin variety of peas in container should not be more than 23.5 percent, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below the standard.

On March 9, 1943, Winston and Newell Co. of Des Moines, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4641. Adulteration of canned pumpkin. U. S. v. 238 Cases and 124 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. Nos. 9742, 9743. Sample Nos. 37944-F, 37945-F.)

On April 3, 1943, the United States attorney for the Northern District of Illinois filed a libel against 362 cases, each containing 24 cans, of pumpkin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 27 and February 26, 1943, by the Morgan Packing Co. from Austin, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Royal Gem Pumpkin * * * Packed By Scottsburg Canning Co. Scottsburg, Indiana," or "Oco Brand Packed By Austin Canning Co., Austin, Ind."

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

4642. Adulteration of tomatoes. U. S. v. 832 Cases of Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8373. Sample No. 4413-F.)

This product was in whole or in part underprocessed and undergoing progressive decomposition.

On September 16, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 832 cases, each case containing 24 cans, of tomatoes at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, by the Mason Canning Co. from Pocomoke City, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

The article was labeled in part: (Cans) "Iona Tomatoes * * * Standard Quality Grade C The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributors."

On October 13, 1942, the Mason Canning Co., claimant, having admitted that a portion of the product was decomposed, judgment was entered (amended April 13, 1943) condemning the product and ordering it released under bond for segregation of the fit from the unfit portion and destruction of the latter under the supervision of the Food and Drug Administration.

4643. Adulteration of canned tomatoes. U. S. v. 997 Cases of Canned Tomatoes (and 3 additional seizure actions against canned tomatoes). Consent decree of condemnation. Product ordered released under bond for segregation of fit from unfit. (F. D. C. Nos. 8690 to 8694, incl. Sample Nos. 24257-F to 24259-F, incl.)

This product was in part decomposed.

On November 6, 1942, the United States attorney for the Southern District of West Virginia filed libels against a total of 2,348 cases, each containing 24 cans, of tomatoes at Charleston, W. V., alleging that the article had been shipped in interstate commerce within the period from on or about August 21 to September 1, 1942, by C. G. Reaburn & Co., from Moneta, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Davis Mill Brand Tomatoes Hand Packed * * * Dinwiddie Canning Co. Moneta, Virginia."

On January 12, 1943, B. W. Dinwiddie, trading as the Dinwiddie Canning Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion under the supervision of the Food and Drug Administration. The unfit portion was destroyed.

4644. Adulteration of canned tomatoes. U. S. v. 159 Cases and 83 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. Nos. 8593, 8630. Sample Nos. 24062-F, 28727-F.)

This product contained maggots.

On October 24 and 29, 1942, the United States attorneys for the Eastern and Middle Districts of North Carolina filed libels against 159 cases, each case containing 24 cans, of tomatoes at Zebulon, and 83 cases at Greensboro, N. C., alleging that the article had been shipped in interstate commerce on or about August 31 and September 1, 1942, by the American Brokerage Co. from Roanoke, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled

in part: (Cans) "Banner Mill Brand Hand Packed Tomatoes Packed By Miss Hester Fringer, Lithia, Va."

On January 13 and February 26, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

Nos. 4645 to 4652 report legal actions involving tomato products made in part from rotten material as evidenced by mold.

4645. Adulteration of tomato catsup. U. S. v. 63 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 8994. Sample No. 7918-F.)

On December 9, 1942, the United States attorney for the District of Minnesota filed a libel against 63 cases, each containing 24 bottles, of tomato catsup at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 14, 1942, by the Columbia Conserve Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottle) "Co-op Tomato Catsup * * * Packed for National Co-Operatives, Inc. Chicago, Illinois."

On January 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4646. Adulteration of tomato purce and tomato catsup. U. S. v. 226 Cases of Tomato Puree (and 3 seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 8920, 9028, 9104, 9420. Sample Nos. 2688-F, 4465-F, 8950-F, 9102-F.)

Between November 24, 1942, and February 24, 1943, the United States attorneys for the Middle District of Tennessee, the Eastern District of Louisiana, the Western District of Missouri, and the Northern District of Texas filed libels against 226 cases of tomato puree at Nashville, Tenn., 115 cases of tomato catsup at New Orleans, La., 131 cases of tomato catsup at North Kansas City, Mo., and 99 cases of tomato catsup at Houston, Tex., alleging that the articles had been shipped in interstate commerce within the period from on or about October 31, 1942, to January 18, 1943, by the Morgan Packing Co. from Austin, Ind.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: (Cans) "Scott Co. Brand Tomato Puree," "American Beauty * * * Tomato Catsup," "Scott Co. Brand * * * Tomato Catsup," or "Royal Gem Brand Tomato Catsup * * * Packed By Scottsburg Canning Co. Scottsburg, Ind."

Between January 14 and March 26, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4647. Adulteration of tomato juice. U. S. v. 998½ Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 7127. Sample No. 86646-E.)

On April 1, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 998½ cases, each full case containing 24 cans, of tomato juice at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 25, 1942, by Otto W. Cuyler, from Webster, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Can) "L. D. C. Brand * * * Tomato Juice Packed For Louis Dobbratz Co., Milwaukee, Wis."

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4648. Adulteration of tomato paste. U. S. v. West Coast Packing Co. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 7686. Sample Nos. 72641-E, 81548-E, 89090-E, 12902-F.)

On November 14, 1942, the United States attorney for the Southern District of California filed an information against the West Coast Packing Co., a corporation, Long Beach, Calif., alleging shipment in the period from on or about October 28 to December 5, 1941, from the State of California into the States of Colorado and New York of quantities of tomato paste that was adulterated in that it consisted in whole or in part of a decomposed substance. The information alleged further that the defendant on or about July 9, 1941, gave to Bireley's Inc., at Hollywood, Calif., a guaranty that all food sold under a contract entered into on that day would be neither adulterated nor misbranded in violation of the Federal Food, Drug, and Cosmetic Act; that on or about May 22, 1942, the defendant sold and delivered to Bireley's Inc., in the name of the Italian Food

Products Co., Inc., a quantity of tomato paste; that on or about June 15 and July 8, 1942, quantities of the tomato paste so guaranteed were shipped by the purchaser from the State of California into the State of Oregon; and charged that by such acts the defendant had given a guaranty that was false since the tomato paste so sold and delivered and shipped in interstate commerce was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Campania Brand * * * Tomato Paste * * * Packed * * * By Italian Food Products Co., Inc."; "Appetit Brand * * * Tomato Paste * * * Distributors J. Ossola Co. New York, N. Y."; "Tomato Paste * * * Bireley's * * * Paste for Tomato Cocktail * * * Packed for Bireley's Inc., Hollywood, Calif."

On January 18, 1943, the defendant entered a plea of nolo contendere and the court imposed a fine of \$75.

4649. Adulteration of tomato paste. U. S. v. Uddo Taormina Corporation, Salvador J. Uddo, and Angelo Glorioso. Pleas of not guilty. Tried to the court. Corporation found guilty and fined \$350. Angelo Glorioso found not guilty. Case ordered dismissed with respect to Salvador J. Uddo. (F. D. C. No. 7294. Sample No. 53663-E.)

On August 3, 1942, the United States attorney for the Southern District of California filed an information against the Uddo Taormina Corporation, Salvador J. Uddo, and Angelo Glorioso, vice-president and plant superintendent, respectively, of the corporation, alleging shipment on or about November 10, 1941, from the State of California into the State of New York of a quantity of tomato paste that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tomato Paste * * * Flag Brand * * * Packed for La Sierra Heights Canning Co., Inc. Los Angeles, California."

On December 10, 1942, pleas of not guilty having been entered on behalf of all defendants, the case came on for trial before the court. Evidence was introduced on behalf of the Government, at the conclusion of which the defense moved for dismissal of the charge against Salvador J. Uddo, which motion was granted. The defense also moved for dismissal of the charges against Angelo Glorioso and the corporation, which motion was denied. The evidence for the defense was completed on December 10, and the case was continued to December 11 for argument. At the conclusion of the argument the court made a finding of not guilty as to Angelo Glorioso and a finding of guilty with respect to the corporation, and imposed a fine of \$350 against the latter.

4650. Adulteration of tomato paste. U. S. v. 50 Cases and 10 Cases of Tomato paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 7884, 7998. Sample Nos. 72641-E, 12902-F.)

On July 13 and 27, 1942, the United States attorney for the District of Oregon filed libels against 60 cases of tomato paste at Portland, Oreg. On August 7, 1942, the libel filed on July 13 was amended. The libels alleged that the article had been shipped in interstate commerce from Los Angeles, Calif., the former shipment for Bireley's, Inc., on or about June 15, 1942, and the latter shipment by Bireley's, Inc., on or about July 8, 1942; and charged that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tomato Paste * * * Bireley's * * * Base for Tomato Cocktail."

On September 8, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4651. Adulteration of tomato paste. U. S. v. 898 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 6988. Sample No. 90623-E.)

On March 5, 1942, the United States attorney for the District of Massachusetts filed a libel against 898 cases, each containing 48 cans, of tomato paste at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about November 15 to December 16, 1941, by the Hartmann Canning Co., Inc., Macedon, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Scarlati Tomato Paste With Sweet Basil."

On March 22, 1943, the Hartmann Canning Co., Inc., claimant, having failed to answer the allegations of the libel, default was noted, judgment of condemnation was entered, and the product was ordered destroyed.

4652. Adulteration of tomato puree. U. S. v. Salem County Cannery, Inc. Plea of guilty. Fine, \$400. (F. D. C. No. 7666. Sample Nos. 59091-E, 84708-E, 89021-E, 89036-E.)

On September 9, 1942, the United States attorney for the District of New Jersey filed an information against the Salem County Cannery, Inc., Trenton, N. J., alleging delivery for shipment within the period from on or about October 24, 1941, to on or about January 5, 1942, from the State of New Jersey into the State of New York and the District of Columbia, of quantities of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Empress Brand Tomato Puree F. H. Leggett & Co. Distributors New York, N. Y.," or "O. K. Brand * * * Tomato Puree Packed by Fogg & Hires Co. Salem N. J."

On March 12, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400

4653. Adulteration of tomato puree. U. S. v. 207 Cans of tomato puree. Default decree of condemnation and destruction. (F. D. C. No. 8726. Sample No. 18848-F.)

This product was underprocessed and in part decomposed.

On November 9, 1942, the United States attorney for the Eastern District of New York filed a libel against 207 5-gallon cans of tomato puree at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1942, by Comly-Flanigen (brokers) from Bridgeton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

4654. Adulteration of apple chops. U. S. v. Abram K. Orbaker and John J. Bush (Orbaker & Bush). Pleas of guilty. Fine, \$25 against each defendant. (F. D. C. No. 6483. Sample Nos. 27506-E, 67581-E.)

One shipment of this product contained rodent hairs and insect fragments and the other shipment was dirty and wormy.

On May 25, 1942, the United States attorney for the Western District of New York filed an information against Abram K. Orbaker and John J. Bush, co-partners, trading as Orbaker & Bush, at Williamson, N. Y., alleging shipment on or about November 9, 1940, and August 20, 1941, from the State of New York into the States of Missouri and Kentucky of quantities of apple chops that were adulterated in that they consisted in whole or in part of a filthy substance, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 8, 1942, the defendant John J. Bush, having entered a plea of guilty to count 1 covering the shipment of August 20, 1941, into the State of Missouri, the court imposed a fine of \$25 and dismissed the charges in Count 2 against him. On May 11, 1943, Abram K. Orbaker, having entered a plea of guilty to Count 2 of the information, covering the shipment on November 9, 1940, into the State of Kentucky, the court imposed a fine of \$25 and dismissed the charges in Count 1 of the information against him.

4655. Adulteration of evaporated apples. U. S. v. 3,870 Cases of Evaporated Apples. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8898. Sample No. 17121-F.)

This product contained insect and larvae excreta pellets and worm tunneling.

On November 20, 1942, the United States attorney for the Northern District of New York filed a libel against 3,870 cases of evaporated apples at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about October 9 and 10, 1942, by Rosenberg Bros. & Co., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "For Manufacturing Purposes Only California Evaporated Apples."

On January 11, 1943, the Borden Co. of New York, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit and the destruction or denaturing of that portion which was not fit.

4656. Adulteration of figs, peaches, prunes, and raisins. U. S. v. 32 Boxes of Dried Figs (and 7 additional seizure actions against dried fruits.) Decrees of condemnation. One lot of figs ordered released under bond for segregation and destruction or denaturing of the unfit portion. Remainder of products ordered destroyed. (F. D. C. Nos. 7840, 7850, 7886, 7898, 7927, 7955, 8024, 8425. Sample Nos. 70898-E, 82107-E, 82523-E to 82525-E, incl., 24242-F, 28101-F, 28103-F, 28604-F, 28616-F.)

These products were insect-infested and one lot of figs was in part decomposed and sour.

Between July 11 and September 25, 1942, the United States attorneys for the Northern District of Georgia, Southern District of Florida, and Southern District of West Virginia filed libels against 32 10-pound boxes of dried figs at Atlanta, Ga., 70 25-pound cases of raisins at Miami, Fla., 414 25-pound boxes of dried figs at Zephyrhills, Fla., 79 cases, each containing 36 cartons, and 81 25-pound cases, of raisins at Jacksonville, Fla., 15 25-pound boxes of prunes, and 12 25-pound boxes of peaches at Tampa, Fla., and 53 25-pound boxes of peaches at Princeton, W. Va., alleging that the articles had been shipped in interstate commerce within the period from on or about September 7, 1940, to March 18, 1942, by the California Packing Corporation from Alameda, Fresno, and San Jose, Calif. The articles were labeled in part: "Arabian Brand White Figs * * * Packed by Roeding Fig & Olive Co.," "Red Cord Brand Midget Bakers Thompson Seedless Raisins," "Sphinx Brand Black Figs Roeding's Fancy Quality," "Dessert Sun Dried Natural Seedless Raisins," "Rose Brand California Prunes," "Dessert Brand Choice Recleaned Thompson Seedless Raisins," "Del Monte Brand Quality Extra Fancy Recleaned Peaches," or "Today's Brand Fancy Recleaned Peaches."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The black figs were alleged to be further adulterated in that they consisted in whole or in part of a decomposed substance.

On September 28, 1942, the Natural Foods Co. of Zephyrhills, Fla., having filed a claim for the black figs seized in that district and having consented to the entry of a decree, judgment of condemnation was entered, the product was ordered released under bond conditioned that all portions found to be unfit for human consumption be denatured or destroyed under the supervision of the Food and Drug Administration.

Between August 8 and October 7, 1942, no claimant having appeared for the remaining products, judgments of condemnation were entered. The peaches seized at Princeton, W. Va., were ordered delivered to a State institution for stock feed, and the remaining articles were ordered destroyed.

4657. Adulteration of dried pears. U. S. v. Frank S. Nola and Sam R. Abinante (Abinante & Nola Packing Co.). Plea of guilty. Fine or \$250 against each defendant. (F. D. C. No. 8770. Sample No. 86557-E.)

This product contained insect excreta and dead insects.

On January 12, 1943, the United States attorney for the Northern District of California filed an information against Frank S. Nola and Sam R. Abinante, individuals trading as copartners under the firm name Abinante & Nola Packing Co. at San Jose, Calif., alleging shipment on or about February 28, 1942, from the State of California into the State of Illinois of a quantity of dried pears that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: (Box) "Extra Choice Northern Pears Distributed By Sprague, Warner & Co. Chicago, Ill."

On February 2, 1943, pleas of guilty having been entered by the defendants, the court imposed a fine of \$250 against each defendant.

4658. Adulteration of dried peaches and pitted prunes. U. S. v. 220 Cartons of Dried Peaches and 46 Boxes of Pitted Prunes. Default decrees of condemnation and destruction. (F. D. C. Nos. 8318, 8842. Sample Nos. 17391-F, 19371-F.)

The peaches contained dead fruit flies; beetle and moth larvae, both dead and alive; and insect excreta. The prunes were decomposed and moldy.

On September 8 and November 9, 1942, the United States attorneys for the District of Connecticut and the District of Massachusetts filed libels against 220 25-pound cartons of dried peaches at Bridgeport, Conn., and 46 25-pound boxes of pitted prunes at Boston, Mass., alleging that the articles had been shipped in interstate commerce within the period from on or about July 3 to August 31, 1942, by Wm. A. Camp Co., Inc., from New York, N. Y. The articles were labeled in part: (Carton) "Atlas Brand California Dried Recleaned Vari-

grade Peaches Distributed By Atlas Mercantile Co. San Francisco-Calif.," (boxes) "Carnation Club Brand Pitted Prunes."

The peaches were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The prunes were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On December 1 and 21, 1942, no claimant having appeared for either of the lots, judgments of condemnation were entered and the products were ordered destroyed.

4659. Adulteration of dried prunes. U. S. v. 359 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 8405. Sample No. 12746-F.)

This product contained mites, larvae, and decomposed prunes.

On September 24, 1942, the United States attorney for the Eastern District of Washington filed a libel against 359 25-pound boxes of dried prunes at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about March 11 and April 21, 1942, by Johnson and Rutz from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Oregon Dried Italian Prunes."

On January 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4660. Adulteration of prunes. U. S. v. 62 Boxes of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 8942. Sample No. 12429-F.)

This product contained rodent-like hairs and mites.

On December 2, 1942, the United States attorney for the Western District of Washington filed a libel against 62 50-pound boxes of dried prunes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 13 and November 2, 1942, by Hudson-Duncan & Co., from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4661. Adulteration of raisins. U. S. v. 54 Cartons of Raisins. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 9307. Sample No. 12028-F.)

This product contained beetles, larvae, and pupae.

On February 10, 1943, the United States attorney for the Western District of Washington filed a libel against 54 25-pound cartons of raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 12, 1942, by Koligian Bros., Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "California Raisins Paragon Brand * * * Choice Thompson Seedless Raisins."

On April 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4662. Adulteration of evaporated black raspberries. U. S. v. 12 Boxes of Evaporated Black Raspberries. Default decree of condemnation and destruction. (F. D. C. No. 8970. Sample Nos. 1873-F to 1875-E, incl.)

This product contained insect fragments, larvae, rodent hairs, mites, and worm fragments.

On December 9, 1942, the United States attorney for the Northern District of Illinois filed a libel against 12 25-pound boxes of evaporated black raspberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 27, 1942, by the Julep Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Evaporated Black Raspberries * * * Packed by Springbrook Packing Co. Springbrook, Ore."

On January 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUIT PRODUCTS

4663. Adulteration and misbranding of apple butter. U. S. v. California Preserving Co. Plea of guilty. Fine, \$500, of which \$250 was remitted. (F. D. C. No. 8811. Sample Nos. 14228-F, 14264-F.)

This product contained hairs resembling rodent hairs, failed to conform to the definition and standard of identity for apple butter, and was short weight.

On March 1, 1943, the United States attorney for the Southern District of California filed an information against the California Preserving Co., a corporation, Los Angeles, Calif., alleging shipment on or about May 1, 1942, from the State of California into the State of Arizona of a quantity of apple butter that was adulterated and misbranded. The article was labeled in part, (Jars) "Black and White Pure Apple Butter * * * Haas Baruch & Co. Los Angeles Calif. Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded (1) in that the statement "Net Wt. 2 Lb. 6 Oz.," borne on the jar labels, was false and misleading since the jars contained less than 2 pounds 6 ounces; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that the statement "Apple Butter," borne on the cases and jar labels, was false and misleading since it did not conform to the definition and standard of identity for apple butter; and (4) in that it purported to be and was represented as apple butter, a food for which a definition and standard of identity had been promulgated pursuant to regulations as provided by law, but it did not conform to such definition and standard of identity since the soluble solids content of the finished apple butter was less than 43 percent.

On March 22, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 on each of the 2 counts in the information, but ordered that judgment be satisfied by a payment of \$250 on the first count.

4664. Adulteration and misbranding of apple butter. U. S. v. 18 Cases and 9 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 9761. Sample No. 24998-F.)

This product contained rodent hair fragments and insect fragments and failed to meet the standards of identity for apple butter.

On April 8, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 18 cases, each containing 12 1-pound 12-ounce cans and 9 cases, each containing 12 2-pound 6-ounce cans, of apple butter at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about March 18, 1943, by the S. J. Van Lill Co., from Baltimore, Md. The article was labeled in part: (Cans) "Astoria Brand Apple Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions, whereby it may have become contaminated with filth. It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and a standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since the soluble solids content of the finished product was less than 43 percent.

On May 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4665. Misbranding of apple butter. U. S. v. 19 Cases of Apple Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7880. Sample No. 88200-E.)

On July 13, 1942, the United States attorney for the Northern District of Texas filed a libel against 19 cases, each containing 24 cans, of apple butter at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about March 27, 1942, by the Morey Mercantile Co., Denver, Colo. The article was labeled in part: (Cans) "Solitaire Apple Butter."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation promulgated pursuant to law and it failed to conform to such definition and standard of identity since its soluble solids content was less than 43 percent, and it contained caramel coloring, and such regulation requires that the soluble solids content of apple butter be not less than 43 percent, and it does not provide for the use of caramel coloring.

On October 12, 1942, no claimant having appeared, judgment of condemnation and destruction was entered, but on October 23, 1942, the decree was amended to provide for delivery of the product to a charitable institution.

4666. Misbranding of apple butter. U. S. v. 1,442 Cases of Apple Butter. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8963. Sample Nos. 36801-F to 36804-F, incl.)

On December 3, 1942, the United States attorney for the District of Maryland filed a libel against 319 cases, each containing 24 jars, and 1,123 cases, each containing 12 jars, of apple butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 7 to 17, 1942, by the Adams Apple Products Corporation from Aspers, Pa. The article was labeled in part: "Apple Butter * * * Royal Clover Brand Distributed by Royal Clover Distributing Co. Baltimore, Md."

The article was alleged to be misbranded in that the name "Apple Butter" was false and misleading since it did not comply with the definition and standard of identity for apple butter. It was alleged to be misbranded further in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations provided by law, but it failed to conform to such definition and standard since the soluble solids content of the finished apple butter was less than 43 percent.

On March 24, 1943, the Adams Apple Products Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4667. Adulteration of crystallized ginger, glace cherries, and pineapple. U. S. v. B. M. Reeves Co., Inc. Plea of guilty. Fine, \$2,000. (F. D. C. No. 7244. Sample Nos. 84191-E, 84192-E.)

This product contained rodent hair, human hair, insect fragments, insect legs and bodies, and nondescript dirt.

On November 5, 1942, the United States attorney for the Eastern District of New York filed an information against the B. M. Reeves Co., Inc., a corporation at Brooklyn, N. Y., alleging delivery for shipment in interstate commerce on or about December 6, 1941, from the State of New York into the State of New Jersey of quantities of the above-named products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Fancy Uco Ginger Fruit," or "Fancy Uco Fruit * * * Cherries & Pineapple."

On May 12, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$2,000.

4668. Adulteration of huckleberry flow. U. S. v. Harold Fisch (Pure Foods Corporation). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 7738. Sample No. 92053-E.)

This product contained rodent hairs.

On November 4, 1942, the United States attorney for the Southern District of California filed an information against Harold Fisch, trading as Pure Foods Corporation, Los Angeles, Calif., alleging shipment on or about April 16, 1942, from the State of California into the State of Pennsylvania of a quantity of huckleberry flow which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed, or held, under insanitary conditions whereby it might have become contaminated with filth.

On January 18, 1943, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$100.

4669. Adulteration and misbranding of jellies. U. S. v. Harold Kushner and Katie Kushner (Ma Kushner's Products). Plea of guilty. Fine, \$100. (F. D. C. No. 8742. Sample No. 1670-F.)

On February 25, 1943, the United States attorney for the Northern District of Illinois filed an information against Harold Kushner and Katie Kushner, trading as Ma Kushner's Products, at Chicago, Ill., alleging delivery for shipment on or about May 18, 1942, from the State of Illinois into the State of Indiana of a quantity of jellies that were adulterated and misbranded. The articles were labeled in part: (Jars) "Table Hints Brand Apple Raspberry [or "Grape," "Cherry," or "Strawberry"] Jelly * * * Packed For Grocers Service Corporation Headquarters, Chicago, Ill."

The articles were alleged to be adulterated in that imitation jellies deficient in fruit and insufficiently concentrated had been substituted wholly or in part for apple raspberry jelly, apple strawberry jelly, apple cherry jelly, and apple grape jelly, foods for which a definition and standard of identity had been promulgated pursuant to law.

They were alleged to be misbranded (1) in that the statements, "Apple Raspberry Jelly," "Apple Strawberry Jelly," "Apple Cherry Jelly," and "Apple Grape Jelly," borne on the labels were false and misleading since the articles did not meet the definition and standard of identity for jellies; (2) in that they were imitations of other foods and their labels did not bear in type of uniform size and prominence the word "imitation," and immediately thereafter the name of the food imitated; and (3) in that they purported to be and were represented as foods for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but they failed to conform to such definition and standard since they had not been made from mixtures containing not less than 45 percent by weight of one of the fruit ingredients to each 55 parts by weight of one of the saccharine ingredients specified in such regulations, and since they had not been concentrated by heat to such a point that the soluble solids content of the finished jellies was not less than 65 percent.

On May 10, 1943, a plea of guilty having been entered, the court imposed a fine of \$100.

4670. Adulteration of blackberry preserves. U. S. v. 62 Cases of Blackberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 7808. Sample No. 83927-E.)

This product contained maggots and mold.

On June 25, 1942, the United States attorney for the Southern District of Alabama filed a libel against 62 cases, each case containing 24 jars, of blackberry preserves at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 31 and May 6, 1942, by Leverton & Co., from Houston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance. The article was labeled in part: (Jars) "World Over Pure Blackberry Preserves."

On January 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4671. Adulteration of pickled grapefruit rind. U. S. v. 25 Cases of Grapefruit Rind. Default decree of condemnation and destruction. (F. D. C. No. 7441. Sample No. 86747-E.)

This product contained insect fragments and rodent-like hairs and was also short of the declared weight.

On May 7, 1942, the United States attorney for the Northern District of Illinois filed a libel against 25 cases, each containing 12 jars, of grapefruit rind at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 18, 1942, by Golden West Products Co. from Los Angeles, Calif. The article was labeled in part: "Monarch Double Sweet Grapefruit Rind Pickled Fruit Murdoch & Co. Distributors, Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Contents 1 pt. 4 oz." borne on the label was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On September 17, 1942, the claimant having failed to file an answer, the product was ordered condemned and destroyed.

4672. Adulteration and misbranding of Whip-Prune. U. S. v. California Prune and Apricot Growers Association. Plea of guilty. Fine, \$750. (F. D. C. No. 8761. Sample Nos. 10582-F, 10583-F, 10602-F.)

This product contained hairs resembling rodent hairs and one shipment also contained insect fragments.

On January 11, 1943, the United States attorney for the Northern District of California filed an information against the California Prune and Apricot Growers Association, a corporation, at San Jose, Calif., alleging shipment on or about July 8 and July 28, 1942, from the State of California into the State of Texas and the District of Columbia of quantities of Whip-Prune that was adulterated and misbranded. The article was labeled in part: "Sunsweet Whip-Prune For Quick Prune Whip * * * A Pure Prune Product."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. It was alleged to be misbranded in that the statement "A Pure Prune Product" borne on the label was false and misleading since the statement represented the article as a pure prune product and it was impure by reason of the presence of hairs resembling rodent hairs and, in one of the shipments, of insect fragments.

On January 29, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750.

4673. Adulteration and misbranding of Whip-Prune. U. S. v. 499 Cases, 24 Cases, and 49 Cases of Whip-Prune. Decrees of condemnation and destruction. (F. D. C. Nos. 8029, 8111, 8112. Sample Nos. 10582-F, 10583-F, 10602-F.)

This product contained rodent-type hairs and one shipment also contained insect fragments.

On August 4 and 14, 1942, the United States attorneys for the District of Columbia and the Southern District of Texas filed libels against 499 cases of Whip-Prune at Washington, D. C., and 73 cases of Whip-Prune at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 18 and 29, 1942, by the California Prune & Apricot Growers Association from San Jose, Calif. The article was labeled in part: (Jars) "Sun Sweet Whip-Prune for Quick Prune Whip A Pure Prune Product."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. It was alleged to be misbranded in that the statement "A Pure Prune Product" was false and misleading as applied to a filthy product.

On September 17 and October 12, 1942, no claimant having appeared for the goods seized at Houston, and the sole intervenor for the goods seized at Washington having withdrawn its claim and consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

4674. Adulteration of white fig paste. U. S. v. 272 Cases of White Fig Paste. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 8415. Sample No. 4281-F.)

Samples of this product were found to contain rodent hairs, weevils, beetles, insect fragments, larvae, flies, and mites.

On September 24, 1942, the United States attorney for the Northern District of Ohio filed a libel against 272 80-pound cases of white fig paste at Kenton, Ohio, alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by S. S. Sorrenti from Escalon, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 29, 1942, the Runkle Co., Kenton, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4675. Adulteration and misbranding of assorted fruits. U. S. v. 51 Boxes of Assorted Fruits. Default decree of condemnation and destruction. (F. D. C. No. 9378. Sample No. 32616-F.)

On February 20, 1943, the United States attorney for the Southern District of Indiana filed a libel against 51 24-ounce packages of assorted fruits at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about December 23, 1942, by the Golden Brand Nut Products, Inc., from New York, N. Y. The article was labeled in part: (Sticker on bottom of box) "The Finest Grown—Best Known Assorted Fruits 24 Ozs. Net."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance, and was otherwise unfit for food since the prune paste in the assortment contained larvae, insect fragments, pieces of prune pits, and was fermented and the soy beans, also in the assortment, were so hard as to be virtually inedible.

It was alleged to be misbranded in that the containers were so made, formed and filled as to be misleading because an empty space under a small tray contained in each box was not visible from the top, and also because very low-grade merchandise had been so packed that its quality was concealed and the appearance of the package was such as to imply fancy merchandise. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained soy beans, which were not declared to be one of the ingredients.

On April 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

4676. Misbranding of salted almonds. U. S. v. 4 Cases, 241 $\frac{7}{12}$ Cases, and 19 Cartons of Salted Almonds. Consent decrees of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 8996, 9030 to 9038, incl. Sample Nos. 12097-F to 12099-F, incl., 30801-F, 30820-F to 30823-F, incl., 30901-F, 30902-F.)

These boxes contained waxed paper envelopes of salted almonds, 14 to 19 almonds to the envelope. The envelope and almonds occupied on an average 47 percent of the volume of the box.

On December 23, 1942, the United attorney for the Western District of Washington filed a libel against 19 cartons and 245 $\frac{7}{12}$ 12-box cases, each box containing 24 5-cent packages, of salted almonds at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about November 11 to on or about December 12, 1942, by the Reliable Nut Co., or the Reliable Vending and Nut Supply Co., from Los Angeles, Calif.; and charging that it was misbranded. The article was labeled in part: (Packages) "Royal Seal * * * Salted California Almonds * * * Net Weight $\frac{1}{4}$ Ounce."

The article was alleged to be misbranded in that the container was so filled as to be misleading since the package could hold twice as many almonds as were packed in it.

On January 2, 1943, Bernard M. Shapiro and Monroe H. Shapiro, trading as Reliable Vending & Nut Supply Co., having appeared as claimants and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4677. Adulteration of Brazil nuts. U. S. v. 8 Bags, 10 Bags, and 18 Baskets of Brazil Nuts. Default decrees of condemnation. Two lots ordered destroyed and remaining lot ordered delivered to a charitable institution. (F. D. C. Nos. 8703, 8844, 8896. Sample Nos. 19121-F, 19874-F, 19877-F.)

Examination of this product showed the presence of rancid, decomposed, moldy, and shriveled nuts.

On November 5, 14, and 20, 1942, the United States attorneys for the District of Rhode Island and the District of New Jersey filed libels against 18 100-pound bags of Brazil nuts at Providence, R. I., and 18 40-pound baskets of Brazil nuts at North Bergen, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about September 29 to October 13, 1942, by the Graham Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Red Bow Extra Large Selected Hand Picked Brazil Nuts."

On December 21, 1942, and January 14, 1943, no claimant having appeared, judgments of condemnation were entered and the lots located at Providence, R. I., were ordered destroyed and the lot located at North Bergen, N. J., was ordered delivered to a charitable institution.

4678. Adulteration of Brazil nuts. U. S. v. 140 Bags of Brazil Nuts. Default decree of condemnation. Product ordered destroyed or salvaged. (F. D. C. No. 9004. Sample No. 13505-F.)

On or about December 17, 1942, the United States attorney for the District of Oregon filed a libel against 140 bags of Brazil nuts at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by Companhia Industrial do Brazil, Para, Brazil; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, moldy and rancid nuts.

On January 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to the fat salvage unit of the War Production Board.

4679. Adulteration of Brazil nuts. U. S. v. 19 Baskets of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 8906. Sample No. 18682-F.)

Examination of this product showed the presence of moldy, decomposed, and rancid nuts.

On November 24, 1942, the United States attorney for the District of Connecticut filed a libel against 19 baskets, each basket containing 40 pounds, of Brazil nuts at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by the Baker-Bennett-Day Division of General Foods Sales Co., Inc., from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "King Cole Large Brite Brazil Nuts."

On February 3, 1943, Henry Bresky & Sons, claimant, Bridgeport, Conn., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fit portion under the supervision of the Food and Drug Administration, and destruction of the unfit portion.

4680. Adulteration of Brazil nuts. U. S. v. 5½ Cases of Brazil Nuts. Default decree of condemnation. Product ordered sold for technical uses. (F. D. C. No. 8422. Sample No. 9516-F.)

This product was infested with live and dead insects.

On September 25, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 5½ cases, each containing 2 33-pound cans, of Brazil nuts, alleging that the article had been shipped in interstate commerce on or about July 3, 1942, by the American Pistachio Corporation, New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Can lid) "Usina Brazil Ltd. Shelled Brazil Nuts * * * Exported by Usina Brazil Ltd. Para (Brazil)."

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to rendering plants to be disposed of for technical war uses.

4681. Adulteration of Brazil nuts and walnut meats and halves. U. S. v. 294 Bags of Brazil Nuts, 400 Boxes of Walnut Meats, and 1,100 Boxes of Walnut Halves and Pieces. Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 8686, 9764, 9926. Sample Nos. 22563-F, 31946-F, 38131-F.)

The walnut meats were in part worm-cut and contained insect excreta and webbing. The Brazil nuts were in part moldy and decomposed.

On November 2, 1942, April 9, and May 12, 1943, the United States attorneys for the Eastern District of Pennsylvania, Southern District of Indiana, and Eastern District of Wisconsin filed libels against 294 100-pound bags of Brazil nuts at Philadelphia, Pa., 400 25-pound boxes of walnut meats at Indianapolis, Ind., and 1,100 25-pound boxes of walnut halves and pieces at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce within the period from on or about October 14, 1942, to March 19, 1943, by Wm. A. Camp & Co., Inc., from New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of a filthy and/or decomposed substance. The articles were labeled in part: "Tropical Brand New Crop Large Washed Brazils," "Light Ambers * * * Packed By Whittier Walnut Packing El Monte California," or "Carnation Club Shelled Walnut Halves & Pieces."

On December 5, 1942, May 28 and June 1, 1943, Wm. A. Camp & Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entries of decrees, judgments of condemnation were entered and the products were ordered released under bond for reconditioning by sorting out and destroying the unfit portions, under the supervision of the Food and Drug Administration.

4682. Adulteration of Brazil nuts and mixed nuts. U. S. v. 14 Bags of Brazil Nuts (and 19 additional seizure actions against Brazil Nuts and Mixed Nuts). Decrees of condemnation. Portions of Brazil nuts ordered released under bond for segregation and destruction of unfit nuts. Remainder of Brazil nuts and the mixed nuts ordered destroyed or distributed to charitable institutions. (F. D. C. Nos. 8637, 8662, 8719 to 8722, incl., 8845, 8869, 8879, 8893, 8899, 8900, 8910, 8954 to 8958, incl., 8978, 8991, 9006, 9043, 9044, 9066. Sample Nos. 4692-F to 4695-F, incl., 4699-F, 4700-F, 12181-F, 19122-F, 19123-F, 19878-F, 21573-F, 22554-F, 22555-F, 24265-F, 24281-F, 24283-F, 24284-F, 24377-F, 25258-F, 25260-F, 25261-F, 28679-F, 28741-F, 28919-F, 32442-F.)

Samples of these nuts were found to be moldy, rancid, and wormy.

Between October 27 and December 24, 1942, the United States attorneys for the Southern District of West Virginia, Southern District of Florida, Western District of Virginia, Eastern District of Pennsylvania, Western District of Pennsylvania, Western District of Washington, Western District of North Carolina, the District of Rhode Island, the District of New Jersey, the Northern District of

Illinois, the Northern District of Georgia, and the Northern District of Ohio filed libels against 26 bags of Brazil nuts at Charleston, W. Va., 42 bags at Philadelphia, Pa., 33 bags at Logan, W. Va., 77 bags at Bluefield, W. Va., 8 bags at Richlands, Va., 10 bags at Providence, R. I., 220 bags at Pittsburgh, Pa., 11 bags at Seattle, Wash., 96 bags at Hawthorne, N. J., 194 bags at Jacksonville, Fla., 54 bags at Chicago, Ill., 15 bags at Cicero, Ill., 34 bags at Atlanta, Ga., 15 bags at Charlotte, N. C., and 73 bags at Cleveland, Ohio, each bag containing 100 pounds of Brazil nuts, 36 40-pound baskets of Brazil nuts at Passaic, N. J., and 53 25-pound boxes of mixed nuts at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about September 26 to October 29, 1942, by Wm. A. Higgins & Co., Inc., from New York City, N. Y., and Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of a decomposed substance. The articles were labeled in part: (Bags) "Holly New Crop Large Washed Brazil Nuts * * * Net Wgt. 100 Lbs.," or "Sun Glo Brand Mixed Nuts."

Between November 13, 1942, and April 12, 1943, decrees of condemnation were entered. Wm. A. Higgins & Co., Inc., having appeared as claimant for those lots located at Pittsburgh, Pa., Hawthorne, N. J., and Jacksonville, Fla., and the Southern Fruit Co., Inc., having appeared for the lot located at Charlotte, N. C., these lots were ordered released under bond for segregation and destruction of the unfit nuts under the supervision of the Food and Drug Administration. No claimant having appeared for the remaining lots, portions were ordered destroyed and the remaining portions were ordered distributed to charitable institutions since they were in part fit for human consumption.

4683. Adulteration of walnut meats. U. S. v. 89 Cartons, 292 Cartons, and 100 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9582. Sample Nos. 18529-F to 18531-F, incl.)

This product was insect-infested as shown by insect cutting and excreta and webbing.

On March 18, 1943, the United States attorney for the Southern District of New York filed a libel against a total of 481 cartons, each carton containing 25 pounds, of walnut meats at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 31, 1942, and February 4, 1943, by the Whittier Walnut Packing Co., from El Monte, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 11, 1943, Wm. A. Camp Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for hand-picking so as to remove from the product all unfit nuts and destroying them, under the supervision of the Food and Drug Administration.

4684. Adulteration of pecan pieces. U. S. v. Lonnie V. Ellis (Ellis Pecan Co.). Plea of guilty. Fine, \$50 on each of counts 1 and 2, \$500 on count 3. Fine on count 3 suspended and defendant placed on probation for 1 year. (F. D. C. No. 7748. Sample Nos. 71930-E, 94112-E, 2610-F.)

Samples of this product were found to be polluted with fecal matter and to contain larvae and mold growth, larvae head capsules, and an insect.

On December 21, 1942, the United States attorney for the Northern District of Texas filed an information against Lonnie V. Ellis, trading as Ellis Pecan Co., at Fort Worth, Tex., alleging shipment in interstate commerce within the period from on or about February 25 to July 7, 1942, from the State of Texas into the States of Missouri and Kansas of quantities of pecan pieces that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 24, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50 on each of counts 1 and 2. A fine of \$500 was also imposed on count 3 but was suspended and the defendant placed on probation for a period of 1 year on condition that he clean up his plant.

4685. Adulteration of shelled pecans. U. S. v. Howard Dasher (Dasher Pecan Co.). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 7319. Sample Nos. 70353-E, 84250-E.)

This product contained evidence of fecal pollution, rodent hairs, and other filth.

On August 5, 1942, the United States attorney for the Middle District of Georgia filed an information against Howard Dasher, trading as Dasher Pecan Co. at Valdosta, Ga., alleging shipment on or about January 31 and March 17, 1942 from the State of Georgia into the States of Florida and New York of quantities of shelled pecans that were adulterated in that they consisted in whole or part of filthy substances.

On February 26, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$200.

4686. Adulteration of shelled pecans. U. S. v. 32 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9580. Sample No. 18532-F.)

Examination of this product showed the presence of moldy or decomposed, rancid, shriveled, and insect-cut nuts containing insect excreta.

On March 19, 1943, the United States attorney for the Southern District of New York filed a libel against 32 60-pound cartons of shelled pecans at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6 and 13, 1943, by the Associated Pecan Co. from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or part of a filthy and decomposed substance. The article was labeled in part: "Health Food, Nature's Vitamins, * * * South Georgia Pecan Co., Valdosta, Ga."

On May 5, 1943, I. Grob & Co. of New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

4687. Adulteration of shelled peanuts. U. S. v. 29 Bags of Shelled Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 8712. Sample No. 12424-F.)

This product was infested with live worms, insect-cut or tunneled, and contaminated with webbing and excreta.

On November 12, 1942, the United States attorney for the Western District of Washington filed a libel against 29 100-pound bags of shelled peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the Edenton Peanut Co. from Edenton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "No. 2 Virginia Tea Party Brand Shelled Peanuts."

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

4688. Adulteration of peanuts. U. S. v. 60 Bags of Shelled Raw Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 8338. Sample No. 12137-F.)

This product was decomposed, moldy, dirty, and insect damaged.

On September 12, 1942, the United States attorney for the Western District of Washington filed a libel against 60 100-pound bags of shelled raw peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by the C. S. Carter Shelling Plant from Camilla, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On December 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4689. Adulteration and misbranding of peanut butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$200. (F. D. C. No. 8755. Sample Nos. 92484-E, 92485-E, 93519-E.)

This product contained rodent excreta, rodent hairs, and dirt, and portions were short of the declared weight.

On January 7, 1943, the United States attorney for the Northern District of Texas filed an information against Swift & Co., a corporation, Fort Worth, Tex., alleging shipment on or about February 10 and March 24, 1942, from the State of Texas into the States of Oregon, Washington, and Arizona of quantities of peanut butter that was adulterated and misbranded. The article was labeled in part: "Jane Goode Peanut Butter 2 Lbs. Net Weight [or "1 Lb. Net Weight," or "1 Lb. 8 Oz. Net"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Portions of the product contained in the 1-pound and 1-pound 8-ounce jars were alleged to be misbranded in that the labels failed to bear an accurate statement of the quantity of the contents in terms of weight, since the jars contained smaller amounts than declared on the labels.

On February 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

4690. Adulteration and misbranding of peanut butter. U. S. v. Thomas Alexandria Jordan and Henry Lewis Land (Old Reliable Peanut Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 8732. Sample Nos. 77812-E, 84586-E, 84587-E.)

Samples of this product were found to contain hairs resembling rodent hairs and dirt. Portions were also short weight.

On December 14, 1942, the United States attorney for the Eastern District of Virginia filed an information against Thomas Alexandria Jordan and Henry Lewis Land, trading as the Old Reliable Peanut Co., Suffolk, Va., alleging shipment on or about March 14, 1942, from the State of Virginia into the State of New York of a quantity of peanut butter that was adulterated and misbranded. The article was labeled in part: "Golden Tint Brand * * * Peanut Butter * * * 2 Lbs. [or "24 Ozs."] Net Weight."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

Portions of the article were alleged to be misbranded in that they were in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight since some of the jars were labeled "24 Ozs. Net Weight," and the remainder were labeled "2 Lbs. Net Weight," whereas the jars contained less than 24 ounces.

On May 19, 1943, a plea of guilty having been entered, the court imposed a fine of \$50.

4691. Misbranding of chocolate peanut butter. U. S. v. 43 Cases of Chocolate Peanut Butter. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 8658. Sample No. 14413-F.)

This product was not a mixture composed of chocolate and peanut butter as indicated by its labeling, but was composed essentially of peanut butter with substantial amounts of sugar, water, and corn sirup, flavored with cocoa.

On November 5, 1942, the United States attorney for the District of Oregon filed a libel against 43 cases, each containing 1 dozen jars, of chocolate peanut butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 5, 1942, by Elizabeth Mote from Los Angeles, Calif.

The article was alleged to be misbranded: (1) In that the statements in the labeling "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," were false and misleading since they represented and suggested that the article was a mixture of peanut butter and chocolate, whereas, it was not a mixture of peanut butter and chocolate. (2) In that the following statements: "Vitamin Enriched * * * each pound contains not less than Vitamin B₁ (Thiamin) 1250 Intl. Units, Vitamin G (B₂ or Riboflavin) 1000 Micrograms, Nicotinic Acid (a B complex vitamin) 20000 Micrograms, Pantothenic Acid (a B complex vitamin) 2500 Micrograms," were misleading since the statement "Vitamin Enriched" and the declaration of vitamin content in terms of International units and weight (micrograms) suggested that the article had been fortified with substantial quantities of the vitamins listed, whereas it had not been fortified with substantial amounts of the named vitamins except vitamin B₁. (3) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. (4) In that it purported to be and was represented as a food for special dietary uses and its label failed to bear such information concerning its vitamin properties as had been determined to be, and by regulations prescribed as, necessary in order to inform purchasers fully as to its value for such uses since its label failed to state the proportion of the minimum daily requirement of vitamin B₁ and riboflavin contained in a specified quantity of the article, and failed to state that the need for pantothenic acid in human nutrition has not been established.

On December 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable institution.

MISCELLANEOUS FOOD PRODUCTS

4692. Misbranding of matte. U. S. v. 53 Dozen Tins and 25 Cases of Little's Brazilian Tea (Matte). Default decree of condemnation and destruction. (F. D. C. Nos. 7857, 7931. Sample Nos. 95541-E, 11181-F.)

This product was labeled to indicate that it was the usual tea of commerce whereas it was matte. It was short of the declared weight. One of the lots was falsely represented to contain vitamin C.

On July 18, 1942, the United States attorney for the Northern District of California filed a libel against 53 dozen tins and 25 cases, each containing 12 cartons of 12 tins each, of the above-named product, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 29 and July 15, 1942, by Little & Co., Inc. from Chicago, Ill. The article was labeled in part: (Tin) "Little's Brazilian Tea (Matte) Net Wt. 1¼ Ozs." A portion was further labeled, in part: "Rich in Minerals and vitamin C."

The article was alleged to be misbranded (1) in that the prominent word "tea" on the labeling was false and misleading, since the article was not the usual tea of commerce; (2) in that the statement, "Net Wt. 1¼ Ozs.," was false and misleading as applied to an article that was short weight; (3) in that it was in package form and did not bear a label containing an accurate statement of quantity of contents; and (4) in that the statement on the labeling of a portion "Rich in * * * Vitamin C" was false and misleading, since no vitamin C was found.

On January 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4693. Adulteration of dill pickles. U. S. v. 142 Cases of Dill Pickles. Default decree of condemnation and destruction. (F. D. C. No. 9238. Sample Nos. 18759-F, 18947-F.)

This product contained insect fragments and rodent hair fragments.

On January 23, 1943, the United States attorney for the Southern District of New York filed a libel against 142 cases of dill pickles at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 16, 1942, by the Rosehill Packing Co., Inc., from Rosehill, N. C., to Newark, N. J., and had been reshipped to New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Jars) "Processed Dill Pickles * * * Sunbeam * * * Francis H. Leggett & Co., Distributors, New York, N. Y., U. S. A."

On February 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4694. Adulteration of hot sauce. U. S. v. 150 Cases and 29 Cases of Hot Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 9026, 9027. Sample Nos. 37603-F, 37604-F.)

This product contained insect fragments.

On December 16, 1942, the United States attorney for the Eastern District of Michigan filed libels against 150 cases, each case containing 24 bottles, of hot sauce at Detroit, Mich., and 29 cases at Pontiac, Mich., alleging that the article had been shipped in interstate commerce within the period from on or about July 3 to November 19, 1942, by the J. J. Garvey Co., from New Orleans, La.; and charging that it was adulterated in that it contained in whole or in part a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bottles) "Garvey's Louisiana 'Hot Stuf.'"

On January 26, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4695. Adulteration and misbranding of alfalfa meal. U. S. v. Oliver W. Randolph (Randolph Alfalfa Co.). Plea of nolo contendere. Fine, \$1. (F. D. C. No. 8733. Sample Nos. 68222-E, 68223-E.)

On December 17, 1942, the United States attorney for the Eastern District of Michigan filed an information against Oliver W. Randolph, trading as Randolph Alfalfa Co. at Erie, Mich., alleging shipment on or about April 20, 1942, from the State of Michigan into the State of Maryland of quantities of alfalfa meal that was adulterated and misbranded. The article was labeled in part: "Alfalfa Meal Medium Coarse Ground [or "Dehydrated Alfalfa Meal"] * * * Manufactured for The National Alfalfa Co. Toledo, Ohio."

The portion labeled "Medium Coarse Ground" was alleged to be adulterated in that a valuable constituent, the leafy part of the alfalfa hay, had been in part omitted or abstracted from the hay from which the meal was ground.

The portion labeled "Medium Coarse Ground" was alleged to be misbranded in that the statements "Protein not less than 13.0%" and "Fibre not more than 33.0%" displayed on the tag were false and misleading since the article contained only 11.34 percent of protein, and contained more than 33 percent, namely, 36.74 percent of fibre.

The dehydrated alfalfa meal was alleged to be misbranded in that the statements "Protein not less than 17.0%" and "Fibre not more than 28.0%" displayed upon the tag were false and misleading since it contained 13.40 percent of protein and 33.23 percent of fibre.

On February 26, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$1.

4696. Adulteration of raw chicken fat. U. S. v. 2 Tubs of Raw Chicken Fat. Default decree of condemnation. Product ordered disposed of as salvage fats. (F. D. C. No. 9055. Sample No. 17630-F.)

This product contained pieces of skin, liver, and intestines, and was contaminated with fecal material and extraneous material resembling floor dirt.

On December 21, 1942, the United States attorney for the Southern District of New York filed a libel against 2 50-pound tubs of raw chicken fat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1942, by Albert Richards Co., Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the New York Salvage Committee to be salvaged for technical war purposes.

4697. Misbranding of oil. U. S. v. 45 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for repacking and for relabeling. (F. D. C. No. 7415. Sample No. 89396-E.)

This product consisted essentially of a mixture of corn oil and peanut oil containing little, if any, olive oil.

On April 29, 1942, the United States attorney for the District of New Jersey filed a libel against 45 cases, each containing 6 1-gallon cans of oil, at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 10, 1942, by Rogol Distributors, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that the statement "Corn and Peanut Oil Blended with the Natural Oil of Fine Crushed Olives" borne on the label was false and misleading as applied to an article containing little, if any olive oil. The article was labeled in part: "Rogola Brand."

On December 21, 1942, Rogol Distributors, Inc., claimant, having filed an answer denying the allegation of misbranding, the case came on for trial before the court. However, before the completion of the Government's case the claimant withdrew its answer and entered into a stipulation in open court admitting the allegations of the libel and consenting to the entry of a decree. Judgment was thereupon entered condemning the product and ordering that the claimant pay \$100 in lieu of costs and file a bond conditioned that the product be repacked and/or relabeled under the supervision of the Food and Drug Administration.

4698. Misbranding of oil. U. S. v. 5 Cans of Oil. Default decree of condemnation. Product ordered sold by marshal. (F. D. C. No. 8668. Sample No. 17414-F.)

On or about November 3, 1942, the United States attorney for the District of Connecticut filed a libel against 5 5-gallon cans of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about October 5, 1942, by the Alba Trading Co., Inc., from New York, N. Y.; and charging that it was misbranded in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation," and immediately thereafter, the name of the food imitated, and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. The article was labeled in part: (Sticker on can) "Bertola Fine Oil Olive Infused."

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold by the marshal on the condition that the purchaser repack and relabel it under the supervision of the Food and Drug Administration.

4699. Misbranding of Savco vitamins. U. S. v. 99 Cartons of Savco Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 8581. Sample No. 14183-F.)

On October 21, 1942, the United States attorney for the District of Arizona filed a libel against 99 cartons, each carton containing 100 envelopes, of vitamins at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 6, 1940, by the Santa Ana Vitamin Co., from Fullerton, Calif.; and charging that it was misbranded in that the declarations on the labels on the envelopes "Mix this package * * * D 500 U. S. P. Units G 100 Sherman-Bourquin Units," were false and misleading since they were incorrect. Examination of the article showed that it contained per envelope not more than 50 percent of the declared amount of vitamin D and not more than 75 percent of the declared amount of riboflavin (vitamin G).

On January 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4700. Adulteration and misbranding of Hyde brand vitamins A, B₁, D, G, capsules. U. S. v. 35 Dozen Bottles of Hyde Brand Vitamins A, B₁, D, G, Capsules. Default decree of condemnation and destruction. (F. D. C. No. 7812. Sample No. 54955-E.)

This product contained not more than 750 U. S. P. units of vitamin D per capsule, whereas, it was labeled as containing 1,000 such units of vitamin D per capsule. It was also labeled to indicate that it was an important source of vitamin G, but contained inconsequential amounts of vitamin G.

On June 26, 1942, the United States attorney for the Middle District of Pennsylvania filed a libel against the above named product at Northumberland, Pa., alleging that the article had been shipped in interstate commerce on or about April 18, 1942, by McCambridge and McCambridge Co., from Washington, D. C.

Analysis showed that the article contained not more than 750 U. S. P. units of vitamin D per capsule.

It was alleged to be adulterated in that a valuable constituent, vitamin D, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement on the label, "Each Capsule Contains Not Less Than * * * 1000 U. S. P. Units of Vitamin D," was false as applied to an article that contained not more than 750 U. S. P. units of vitamin D per capsule. It was alleged to be misbranded further in that the prominent display of the letter "G" in the name of the article: "Vitamin * * * G Capsules" was misleading since it represented and suggested that the article was a consequential source of vitamin G, whereas it was not.

It was alleged also to be adulterated and misbranded under the provisions of the law applicable to drugs as reported in Drugs and Devices Notices of Judgment.

On August 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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¹(4571) Prosecution contested.

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¹ (4649) Prosecution contested.

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¹ Prosecution contested.

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Johnson, Hansie:		pumpkin, canned.....	4641
cream.....	4592	tomato puree and catsup.....	4646
Jordan, Thomas Alexandria:		Morrell, John, & Co.:	
peanut butter.....	4690	butter.....	4558
Julep Co.:		Mote, Elizabeth:	
raspberries, evaporated.....	4662	peanut butter.....	4691
Kenton Packing Co.:		Murdoch & Co.:	
asparagus, canned.....	4636	grapefruit rind, pickled.....	4671
Kentucky Macaroni Co.:		Napoleon Creamery:	
macaroni, spaghetti, and noodles.....	4541	butter.....	4568
King Kone Corp.:		National Alfalfa Co.:	
cheese sandwiches.....	4546	alfalfa meal.....	4695
King Shrimp Co.:		National Co-Operatives, Inc.:	
shrimp, frozen.....	4622	tomato catsup.....	4645
Kirby, Marshall & Co., Inc.:		National Foods, Inc.:	
frozen eggs.....	4594, 4603	noodles.....	4543
Kirklin, Floyd R.:		New Yorker Cheese Co.:	
corn meal.....	4520	grated cheese.....	4577, 4588
Knight, Bessie:		Nielsen, M.:	
cream.....	4592	cream.....	4592
Kohlman, Leonard:		Nola, Frank S.:	
butter.....	4568	pears, dried.....	4657
Kolligian Bros.:		Old Reliable Peanut Co.:	
raisins.....	4661	peanut butter.....	4690
Kramer, J. R., Inc.:		Olympia Canning Co.:	
butter.....	4571	blackberries, canned.....	4629
Kushner, Harold <i>See</i> Kushner's, Ma, Products.		Orange Creamery:	
Kushner, Katie: <i>See</i> Kushner's, Ma, Products.		butter.....	¹ 4571
Kushner's, Ma, Products:		Orbaker, Abram K.:	
jellies.....	4669	apple chops.....	4654
Kyle Creamery Assoc.:		Orbaker & Bush:	
cheese and butter.....	4576	apple chops.....	4654
Land, Henry Lewis:		Ossola, J., Co.:	
peanut butter.....	4690	tomato paste.....	4648
Land O'Hills Creamery Co.:		Page, Thomas, Mill Co.:	
butter.....	4565	flour.....	4507
La Sierra Heights Canning Co.:		Palace Dairy:	
tomato paste.....	4649	butter.....	4569
Lawson, Herbert L.:		Paramount Baking Co.:	
crab meat.....	4617	bakery products.....	4527
Leggett, Francis H., & Co.:		Philadelphia Cracker Meal Co.:	
pickles, dill.....	4693	cracker meal.....	4545
olives.....	4635		
tomato puree.....	4652		

¹ Prosecution contested.

	N. J. No.		N. J. No.
Pillsbury Flour Mills Co.:		Slade Gorton Co.:	
flour.....	4502	pollock fillets, frozen.....	4606
Poulos, George P.:		Smithfield's Pure Food Co., Inc.:	
cake.....	4532	cherries, canned.....	4632
Premium Candy and Baking Corp.:		Sohn, Harry H.:	
cakes and candies.....	4536	corn meal.....	4521
Puget Sound Butter & Egg Co.:		Sorrenti, S. S.:	
butter.....	4574	fig paste.....	4674
Puget Sound Egg Packers:		South Georgia Pecan Co.:	
eggs, frozen..... ¹	4599	pecans.....	4686
Pure Foods Corp.:		Spaulding Bakeries, Inc.:	
huckleberry flow.....	4668	bakery products.....	4525
Randolph Alfalfa Co.		Spector, Morris:	
alfalfa meal.....	4695	flour.....	4513
Randolph, Oliver W. <i>See</i> Randolph Alfalfa Co.:		Sprague, Warner & Co.:	
Reaburn, C. G. & Co.:		pears, dried.....	4657
tomatoes.....	4643	Springbrook Packing Co.:	
Reeves, B. M., Co., Inc.:		raspberries, evaporated.....	4662
crystallized ginger, glace cherries and pine-apple.....	4667	Standard Milling Co.:	
Reeves Parvin Co.:		flour.....	4512
egg noodles.....	4542	Star Oyster Co.:	
Reid Mudoch & Co.:		crab meat.....	4617
sardines, canned.....	4613	Stayton Canning Co. Coop.:	
Reliable Nut Co.: <i>See</i> Reliable Vending and Nut Supply Co.		blackberries, canned.....	4630
Reliable Vending and Nut Supply Co.:		Stinson, Calvin L.:	
almonds.....	4676	sardines, canned.....	4613
Richards, Albert, Co., Inc.:		Superior Flour Co.:	
chicken fat.....	4696	flour.....	4506
Roberts Bros., Inc.:		Swift & Co.:	
beans, green, canned.....	4637	butter.....	4560
Roeding Fig & Olive Co.:		cheese.....	4590
figs.....	4656	eggs, frozen.....	4597
Rogol Distributors, Inc.:		peanut butter.....	4689
oil.....	4697	Tennessee Egg Co.:	
Rosehill Packing Co., Inc.:		eggs, frozen.....	4602
dill pickles.....	4693	Texas Star Flour Mills:	
Rosenberg Bros. & Co.:		flour.....	4514
apples, evaporated.....	4655	Thompson, Mildred:	
Royal Clover Distributing Co.:		cream.....	4592
apple butter.....	4666	Toledo Candy Co.:	
Rush County Mills:		candy.....	4550
corn meal.....	4520	Tonica Milk Products Co.:	
Russell-Miller Milling Co.:		cheese.....	4579
flour.....	4501	Uddo, Salvador J. <i>See</i> Uddo Taormina Corp.	
flour and bran.....	4518	Uddo Taormina Corp.:	
Ruther, J. T., & Sons:		tomato paste..... ²	4649
butter.....	4576	Usina Brazil Ltd.:	
Salem County Cannery, Inc.:		Brazil nuts.....	4680
tomato puree.....	4652	Valley Creamery Co.:	
Sanitary Milk Co.:		butter.....	4561, 4565
cheese.....	4585	Van Lill, S. J., Co.:	
Santa Ana Vitamin Co.:		apple butter.....	4664
Savco vitamins.....	4699	Viscione, Ralph:	
Sauers Milling Co.:		candy.....	4548
flour.....	4515	Vita-O-Ray Milling Co.:	
Sawyer Stores, Inc.:		flour.....	4505
bread.....	4530	Waldo Canning Co.:	
Schreiber, L. D., & Co., Inc.:		peas, canned.....	4640
butter.....	4559	Walsh, Charles A., Paul R., and Roy L.:	
eggs, frozen.....	4601	prunes and cherries, canned.....	4631
Scioto Farm Bureau Coop. Assoc., Inc.:		Warner, James E.:	
corn meal.....	4519	crab meat.....	4619
Scott Co.:		Washington Candy Co.:	
tomato puree and catsup.....	4646	candy.....	4556
Scottsburg Canning Co.:		Weiner, Yetta, Mrs.:	
pumpkin, canned.....	4641	eggs, frozen.....	4598
tomato catsup.....	4646	West Coast Packing Co.:	
Seeman Bros., Inc.:		tomato paste.....	4648
sardines, canned.....	4613	West Martinsburg Cheese Factory:	
Shapiro, Israel:		cheese.....	4582
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Sheppard Baking Co.:		crab meat.....	4618
cake.....	4533	Wharton, Robert L. <i>See</i> Wharton, R. L., Co.	
Silverton Canning Co.:		Whitwater Flour Mills:	
prunes and cherries, canned.....	4631	flour.....	4509
Sinatra, Joe:		Whittier Walnut Packing Co.:	
goat milk cheese.....	4589	walnuts.....	4681, 4683
		Wildstein, M., & Sons, Inc.:	
		cheese, grated.....	4577, 4588
		Winchester Canning Co.:	
		peas, canned.....	4638, 4639

¹ Seizure contested.² Prosecution contested.



FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

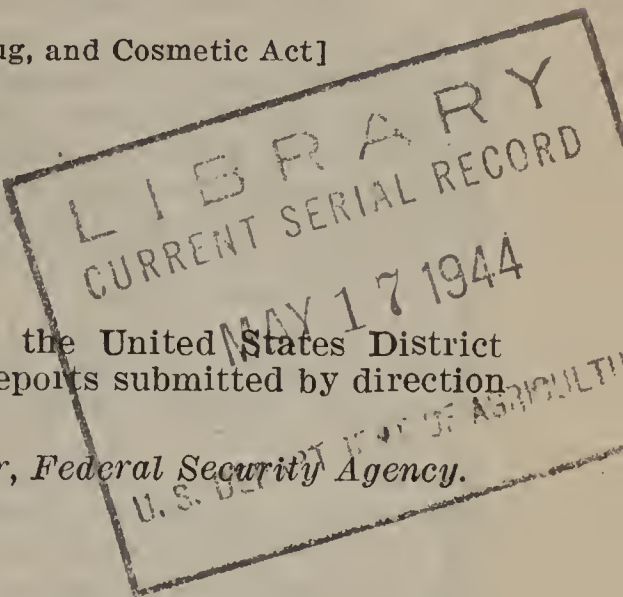
4701-4900

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, Acting Administrator, Federal Security Agency.

WASHINGTON, D. C., February 1, 1944.



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BEVERAGE MATERIAL

4701. Adulteration of coffee. U. S. v. Aroma Coffee Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 8820. Sample No. 18683-F.)

On April 1, 1943, the United States attorney for the District of New Jersey filed an information against the Aroma Coffee Co., Inc., at Newark, N. J., alleging shipment on or about November 10, 1942, from the State of New Jersey into the State of Connecticut of a quantity of coffee. The article was invoiced as coffee and was labeled in part: "New Aroma Blend Coffee 100% Pure." The legend "75% Coffee 25% Chick Peas" had been faintly stamped by means of a rubber stamp over the plain and conspicuous statement "100% Pure" in such manner that the former was in part illegible and in part barely legible on close scrutiny.

The article was alleged to be adulterated in that a substance, ground coffee, containing a large proportion of ground roasted chick peas had been substituted wholly or in part for pure coffee, which it purported and was represented to be. It was alleged to be misbranded (1) in that the plain and conspicuous statement, "Coffee 100% Pure," borne on the bag was false and misleading since it represented that the article was pure coffee and the misleading impression was not corrected by the inconspicuous statement "75% Coffee 25% Chick Peas"; (2) in that it was offered for sale, invoiced under the name of another food, coffee; and (3) in that

it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On April 30, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

4702. Adulteration and misbranding of coffee. U. S. v. 37 Bags of an article labeled in part "New Aroma Blend Coffee." Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 8973. Sample No. 18683-F.)

On or about December 9, 1942, the United States attorney for the District of Connecticut filed a libel against 37 1-pound bags of coffee at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Aroma Coffee Co., Inc., from Newark, N. J.; and charging that it was adulterated and misbranded. The article was invoiced as coffee and was labeled in part: (Bag) "New Aroma Blend Coffee 100% Pure." An almost illegible statement reading "75% Coffee 25% Chick Peas" had been stamped over the words "100% Pure."

The article was alleged to be adulterated in that a substance, ground roasted coffee containing a large proportion of ground roasted chick peas, had been substituted in whole or in part for coffee, which it was represented to be.

It was alleged to be misbranded (1) in that the statement, "Coffee 100% Pure," was false and misleading as applied to a mixture of ground roasted coffee containing a large proportion of ground roasted chick peas, and this statement was not corrected by the inconspicuous statement, "75% Coffee 25% Chick Peas"; (2) in that it was offered for sale under the name of another food, coffee; and (3) in that the common or usual name of each ingredient, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

4703. Adulteration of coffee. U. S. v. 251 Bags, 175 Bags, and 92 Bags of Coffee. Unfit portion condemned and ordered destroyed. (F. D. C. Nos. 7892 to 7894, incl. Sample Nos. 88029-E, 88030-E, 88043-E.)

This product was worm-damaged.

On July 14, 1942, the United States attorney for the District of Montana filed libels against a total of 518 132-pound bags of a green coffee at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about May 9, 1942, by Leon Israel & Bros., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 21, 1943, Sawyer Stores, Inc., the Keil Co., and C. E. Newman, trading as the Newman Coffee Co., having appeared as claimants for the respective lots, the product having been reconditioned by separating the portion unfit for human consumption from the good portion, and the claimants having consented to the entry of a decree, judgment was entered condemning the rejected portion and ordering it destroyed.

4704. Misbranding of CoVee (coffee substitute). U. S. v. 27 Packages of CoVee Coffee Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9449. Sample No. 31935-F.)

This product consisted of roasted ground soybeans and ground barley. No chicory tissues were detected.

On March 5, 1943, the United States attorney for the Southern District of Indiana filed a libel against 27 packages of coffee substitute at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 19, 1943, by the Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was misbranded. The article was labeled in part: (Packages) "Victory Drink CoVee Coffee Substitute * * * Distributed by J. B. Robinson, Cleveland, Ohio."

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the word "Cereals," borne on the label, is not the

common or usual name for barley. The article was alleged to be misbranded further in that the statement "Made From Fresh Roasted Soy Beans, Cereals and Chicory," borne on the label, was false and misleading as applied to an article which contained no chicory.

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4705. Adulteration of Kevo and Milk Kevo. U. S. v. 31 Cans of Milk-Kevo (and 1 additional seizure action against Milk-Kevo and Kevo). Default decrees of condemnation and destruction. (F. D. C. Nos. 7963, 8027. Sample Nos. 12111-F, 12121-F, 12122-F.)

These products contained filth such as insects, insect fragments, larvae, and rodent-like hairs.

On July 22 and August 6, 1942, the United States attorney for the Western District of Washington filed libels against 31 15-ounce cans, 10 dozen 7-ounce cans, and 5 5-pound cans of Milk-Kevo, and 27 7-ounce cans, and 16 15-ounce cans of Kevo, at Seattle, Wash., alleging that the articles had been shipped in interstate commerce within the period from on or about July 5, 1941, to March 18, 1942, by the W-H-Y and Kevo Products, Inc., from Los Angeles and Azusa, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances.

On April 27 and June 29, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CEREAL AND CEREAL PRODUCTS

FLOUR

Nos. 4706 to 4717 report the seizure and disposition of flour that was insect- or rodent-infested, or both. Nos. 4706 to 4709 were alleged to have become infested while held under insanitary storage conditions after shipment.

4706. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9260. Sample Nos. 10798-F, 10799-F, 10941-F.)

This product had been stored after shipment in an old building infested with rodents. Some of the bags had been chewed by rodents and contained urine stains. Samples of the flour were found to contain rodent pellets and rodent-type hairs.

On February 1, 1943, the United States attorney for the Northern District of California filed a libel against 40 98-pound bags of flour at Oakland, Calif., in the possession of Peter Lefevre & Co., alleging that the article had been shipped in interstate commerce within the period from on or about July 7 to October 10, 1942, from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Centennial 100% Whole Wheat [or "Pandora"] Flour."

On March 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4707. Adulteration of flour. U. S. v. 12 Bales of Flour. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 8943. Sample No. 12432-F.)

On December 2, 1942, the United States attorney for the Western District of Washington filed a libel against 12 bales, each containing 10 10-pound sacks, of flour at Seattle, Wash., in the possession of Schwabacher Bros. & Co., alleging that the article had been shipped in interstate commerce on or about June 15, 1942, from Billings, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Sacks) "Enriched Family Flour Occident Flour."

On April 14, 1943, Schwabacher Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. All contaminated bags were sorted out and the contents destroyed.

4708. Adulteration of flour. U. S. v. 17 Sacks and 17 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9084. Sample No. 13244-F.)

On December 28, 1942, the United States attorney for the Eastern District of Washington filed a libel against 17 49-pound sacks and 17 24½-pound sacks of flour at Wenatchee, Wash., in the possession of the Pacific Fruit & Produce Co., alleging that it had been shipped in interstate commerce on or about October 30, 1941, from Pendleton, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Roundup Bleached Flour."

On February 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4709. Adulteration of flour. U. S. v. 84 Bags, 31 Bags, 147 Bags, and 91 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 8433, 8434. Sample Nos. 8813-F, 8814-F.)

On September 26, 1942, the United States attorney for the Southern District of Alabama filed a libel against 84 6-pound bags, 31 12-pound bags, 147 24-pound bags, and 91 6-pound bags, of flour in the possession of V. B. Atkins Grocery and Commission Co., at Selma, Ala., alleging shipment within the period from on or about February 19 to August 5, 1942, in part by Wall-Rogalsky Milling Company from McPherson, Kans., and in part by Fuhrer-Ford Milling Company from Mt. Vernon, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Show Boat Flour Bleached," or "Grace Darling Plain Flour."

On June 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4710. Adulteration of flour. U. S. v. 51 Sacks and 20 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8640. Sample Nos. 6058-F, 6059-F.)

On October 27, 1942, the United States attorney for the Western District of Arkansas filed a libel against 51 24-pound sacks and 20 48-pound sacks of flour at Mena, Ark., alleging that the article has been shipped in interstate commerce on or about May 13 and June 4, 1942, by the Blair Milling Co., from Atchison, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sacks) "Snow White High Patent Flour."

On January 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4711. Adulteration of flour. U. S. v. 175 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9086. Sample No. 28803-F.)

On December 31, 1942, the United States attorney for the Northern District of Georgia filed a libel against 175 98-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by the Valier and Spies Milling Co., from St. Louis, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, weevils and larvae. The article was labeled in part: "Belle Unbleached Flour."

On March 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4712. Adulteration of flour. U. S. v. 80 Bags and 266 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured for use as animal feed, remainder ordered destroyed. (F. D. C. Nos. 8194, 8459. Sample Nos. 8816-F, 25212-F.)

On September 2 and September 30, 1942, the United States attorneys for the Eastern District of North Carolina and the Middle District of Alabama filed libels against 80 24-pounds bags of flour at Rocky Mount, N. C., and 266 6-pound bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about May 6 and August 27, 1942, by J. Allen Smith, & Co., Knoxville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tags) "Admiration Self-Rising Flour," or "White Lily Self-Rising Flour."

On November 4, 1942, no claimant having appeared for the lots located at Rocky Mount, N. C., judgment of condemnation was entered and the product was ordered destroyed. On November 27, 1942, the Sellers Grocery Co. of Montgomery, Ala., having appeared for the lot located there, and having consented to the entry of a decree, judgment of condemnation was entered (amended December 16, 1942) and the product was ordered released under bond for denaturing, under the supervision of the Food and Drug Administration, for use as animal feed.

4713. Adulteration of flour. U. S. v. 476 Bags of Flour (and 5 additional seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 8153, 8251, 8255, 8467, 8468, 8631. Sample Nos. 9186-F to 9188-F, incl., 9232-F, 9238-F to 9240-F, incl., 9665-F, 9666-F.)

Between August 18 and October 23, 1942, the United States attorneys for the Eastern and the Western Districts of Louisiana filed libels against 476 24-pound bags of flour at Plaquemine, La.; 76 12-pound bags, 56 24-pound bags, and 9 98-pound bags of flour at Hammond, La.; 15 48-pound bags, 107 24-pound bags, and 40 10-pound bags of flour at Morgan City, La.; 313 24-pound bags and 86 10-pound bags of flour at New Iberia, La.; and 58 10-pound bags, 25 20-pound bags, and 15 48-pound bags of flour at West Monroe, La., alleging that the article had been shipped in interstate commerce within the period from on or about March 28 to August 31, 1942, by the Quaker Oats Company from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Conce * * * [or "Wheat Flour," or "Monogram"] Manufactured for [or "Milled Expressly For," "Mfrd. For," or "Packed For"] Consolidated Companies Inc."; "Henry Walther's Prize Winner Flour Mfrd. Expressly for Henry Walther Gibson La.," or "Crystal Wedding Flour Bleached."

Between October 12 and December 14, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4714. Adulteration of flour. U. S. v. 250 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9087. Sample No. 28804-F.)

On December 31, 1942, the United States attorney for the Northern District of Georgia filed a libel against 250 98-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 27, 1942, by the Preston Shaffer Milling Co., from Athena, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils, larvae, and cast skins. The article was labeled in part: "Special Cone Flour."

On March 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4715. Adulteration of flour. U. S. v. 130 Bags of Flour (and 2 additional seizure actions against flour). Decrees of condemnation. Two lots ordered destroyed. Remaining lot ordered released under bond for conversion into animal food. (F. D. C. Nos. 8070, 8141, 8603. Sample Nos. 9196-F, 9226-F, 9227-F, 28310-F.)

On or about August 10 and 19 and October 16, 1942, the United States attorneys for the Northern District of Georgia, and the Eastern and the Western Districts of Louisiana filed libels against 130 48-pound bags of flour at Marietta, Ga., 94 48-pound bags and 24 98-pound bags of flour at Baton Rouge, La., and 205 24-pound bags and 453 10-pound bags of flour at Shreveport, La., alleging that the article had been shipped in interstate commerce within the period from on or about January 24 to July 22, 1942, by the J. C. Lysle Milling Co., from Leavenworth, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached White Rooster Best Family Patent Flour," "Rizer Flour Milled for [or "White Fan Flour Special Patent Put up for"] Louis Levy Grocer Co., Ltd., Baton Rouge, La."; "White Eagle Extra High Patent Flour"; or "Guaranteed Red Hawk Quality Flour."

On September 22 and October 12, 1942, no claimant having appeared for the lots located at Marietta, Ga., and Baton Rouge, La., judgments of condemnation were entered and the product was ordered destroyed. On December 15, 1942, the Hicks Co., Ltd., of Shreveport, La., having appeared as claimant for the lots located there, judgment of condemnation was entered and it was ordered that the product be released under bond for conversion into animal feed under the supervision of the Food and Drug Administration.

4716. Adulteration of flour. U. S. v. 100 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9088. Sample No. 28805-F.)

On December 31, 1942, the United States attorney for the Northern District of Georgia filed a libel against 100 98-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about May 29, 1942, by the Globe Mills (trade name of Pillsbury Flour Mills Co.), from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils, larvae, and cast skins. The article was labeled in part: "Globe Special Cone Flour."

On March 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4717. Adulteration of flour. U. S. v. 224 Bags and 38 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8496. Sample No. 9190-F.)

On October 2, 1942, the United States attorney for the Western District of Louisiana filed a libel against 224 10-pound bags and 38 48-pound bags of flour at Church Point, La., alleging that the article had been shipped in interstate commerce within the period from on or about July 14 to August 24, 1942, by the Claflin Flour Mills, from Claflin, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "For the Alamosa Flour Mills, Alamosa, Colo. Orange Bloom Flour."

On May 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

Nos. 4718 to 4726 report actions involving corn meal and cream meal that had been shipped in interstate commerce and was in interstate commerce at the time of the examination, at which time it was found to be rodent- or insect-infested, or both. The time of infestation was not determined.

4718. Adulteration of corn meal. U. S. v. Clark Milling Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 8777. Sample Nos. 28420-F to 28422-F, incl.)

This product contained insects, insect fragments, rodent excreta, and rodent hair fragments.

On January 8, 1943, the United States attorney for the Southern District of Georgia filed an information against the Clark Milling Co., a corporation, Augusta, Ga., alleging shipment within the period from on or about August 11 to 18, 1942, from the State of Georgia into the State of South Carolina of a quantity of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 9, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300.

4719. Adulteration of corn meal. U. S. v. Oscar W. Robinson (Burnside Milling Co.). Plea of guilty. Fine, \$500 and costs. (F. D. C. No. 8778. Sample Nos. 4343-F, 4350-F, 4351-F.)

On February 4, 1943, the United States attorney for the Eastern District of Kentucky filed an information against Oscar W. Robinson, trading under the firm name Burnside Milling Co., Burnside, Ky., alleging shipment on or about September 19 and 26, 1942, from the State of Kentucky into the State of Tennessee of a quantity of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Perfection Corn Meal Packed for Jellico-Hackney Co., Jellico, Tenn.," or "Robinson-Evans Mill Company Jo Jo Bolted Burr Meal Harriman, Tenn."

On May 10, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250 on each of two counts of the information and also assessed costs of the proceedings.

4720. Adulteration of corn meal. U. S. v. 1,627 Cases and 1,628 Cases of Corn Meal. Decree of condemnation. Product ordered released under bond for reworking for purposes other than human consumption. (F. D. C. No. 9116. Sample Nos. 9108-F, 9766-F.)

On January 4, 1943, the United States attorney for the Southern District of Mississippi filed a libel against a total of 3,255 cases, each containing 6 No. 5 cans, of corn meal at Vicksburg, Miss., alleging that the article had been shipped

in interstate commerce on or about December 22 and 23, 1942, from Vicksburg, Miss., to New Orleans, La., by the Dubon Co., and subsequently reshipped from New Orleans, La., back to Vicksburg, Miss., by the Dubon Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On January 11, 1943, the P. P. Williams Co. of Vicksburg, Miss., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked, under the supervision of the Food and Drug Administration, and disposed of for purposes other than human consumption.

4721. Adulteration of corn meal. U. S. v. 150 Sacks and 450 Sacks of Corn Meal. Consent decrees of condemnation. Product ordered released under bond to be reworked into animal feed. (F. D. C. Nos. 9340, 9358. Sample Nos. 8866-F, 8867-F.)

On February 9 and 10, 1943, the United States attorney for the Southern District of Alabama filed libels against a total of 600 sacks, each containing 96 pounds, of corn meal at Selma, Ala., alleging that the article had been shipped in interstate commerce on or about January 7 and 15, 1943, by the P. P. Williams Co. from Vicksburg, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Red Wing Home Ground Corn Meal * * * Manufactured by Hill City Flour Co. Vicksburg, Miss."

On March 17, 1943, the P. P. Williams Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reworking into animal feed under the supervision of the Food and Drug Administration.

4722. Adulteration of corn meal. U. S. v. 350 Sacks of Corn Meal. Default decree of condemnation. Product ordered sold for livestock feed. (F. D. C. No. 8682. Sample No. 6066-F.)

On October 31, 1942, the United States attorney for the Western District of Arkansas filed a libel against 350 24-pound sacks of corn meal at Prescott, Ark., alleging that the article had been shipped in interstate commerce on or about October 18, 1942, by the Shreveport Grain and Elevator Co. from Shreveport, La.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances. The article was labeled in part: "Blue Bird Cream Corn Meal."

On February 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of by sale as livestock feed under the conditions prescribed by law for such sales.

4723. Adulteration of corn meal. U. S. v. 107 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 8484. Sample No. 17833-F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 107 98-pound bags of corn meal at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 26, 1942, by the Decatur Milling Co., Decatur, Ill., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Five Star Brand Fine Yellow Corn Meal."

On January 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4724. Adulteration of cream meal. U. S. v. John B. Edgar and Joseph C. Roney (Humphrey's Mills). Pleas of guilty. Fine of \$125 against each defendant. (F. D. C. No. 8810. Sample No. 7035-F.)

On March 10, 1943, the United States attorney for the Western District of Tennessee filed an information against John B. Edgar and Joseph C. Roney, co-partners, trading as Humphrey's Mills, Memphis, Tenn., alleging delivery for shipment on or about September 28, 1942, from the State of Tennessee into the State of Arkansas of a quantity of cream meal that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Honey Suckle Cream Meal."

On May 4, 1943, pleas of guilty having been entered by the defendants, the court imposed a fine of \$125 on each defendant.

4725. Adulteration of cream meal. U. S. v. 135 Bags of Cream Meal. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 8477. Sample No. 17845-F.)

On October 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 135 100-pound bags of cream meal at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 16, 1942, by the Evans Milling Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Emco White Cream Meal."

On March 17, 1943, Benjamin Wilk, trading as B. Wilk & Son, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of as animal feed.

4726. Adulteration of cream meal. U. S. v. 130 Sacks of Meal. Default decree of condemnation and destruction. (F. D. C. No. 8641. Sample No. 6060-F.)

On October 27, 1942, the United States attorney for the Western District of Arkansas filed a libel against 130 20-pound sacks of meal at Mena, Ark., alleging that the article had been shipped in interstate commerce on or about October 8, 1942, by the Lipscomb Grain & Seed Co., from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Lipscomb's Sungold 'Worth Its Weight in Gold' Cream Meal Made From White Corn."

On January 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

4727. Action to enjoin and restrain interstate shipments of bakery products. U. S. v. John E. Mayer. Preliminary and permanent injunction granted. (Inj. No. 41.)

On December 1, 1942, the United States attorney for the Eastern District of Pennsylvania filed a complaint against John E. Mayer, Philadelphia, Pa., alleging that the defendant for several years past and more particularly since on or about July 6, 1940, had been introducing and causing to be introduced into interstate commerce from Philadelphia, Pa., to various other States within the United States, pies, cakes, doughnuts, sweet goods, and other bakery products, which consisted in whole or in part of filthy substances and were otherwise unfit for food and which had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth, thereby rendering the articles adulterated within the meaning of the law.

The complaint alleged further (1) that since July 6, 1940, numerous investigations and inspections by the Food and Drug Administration had disclosed the existence of insanitary conditions and the presence of filth, insects, rodents, rodent excreta, and other foreign matter, and filthy and unwholesome substances in and around the place of manufacture of the defendant, and in and around the raw materials, and adjacent to the place where the articles were packed for shipment; (2) that the defendant had been warned to remedy such defects and had been warned not to ship products which were adulterated, but despite such warnings, had failed to remedy the defects and had continued to manufacture, pack and prepare for shipment in interstate commerce filthy and adulterated food; (3) that various interstate shipments of the product manufactured by the defendant had been sampled and found to contain filth; (4) that such products were often distributed to retail stores in small quantities, making seizure and condemnations difficult and impracticable; and (5) that the seizure under civil process would necessitate legal proceedings and make criminal proceedings in many instances, and would entail a multiplicity of legal actions unjustified by the relatively small quantities involved in the individual shipments.

The complaint alleged also that the defendant unless restrained would continue shipment of adulterated products, and prayed that an order be entered directing him to show cause why he should not be enjoined and restrained during the pendency of the action and that upon hearing a preliminary injunction be granted, and for further and appropriate relief.

On December 1, 1942, an order to show cause was entered and on December 7, 1942, after hearing, a preliminary injunction was granted. On January 27, 1943, no appearance having been made on behalf of the defendant subsequent to the

hearing on the motion for preliminary injunction, default was noted and judgment was entered, ordering that the defendant and all acting upon his behalf be perpetually enjoined and restrained from in any manner or by any device, directly or indirectly, shipping or preparing for shipment in interstate commerce bakery products which the defendant had manufactured.

4728. Adulteration of bakery products. U. S. v. The Cortland Baking Co. Plea of guilty. Fine, \$500. (F. D. C. No. 8776. Sample Nos. 17859-F, 17861-F, 17862-F, 17868-F, 17871-F.)

Hair fragments resembling rodent hairs, insect fragments, and small pieces of wood were found in samples taken from these products.

On February 24, 1943, the United States attorney for the Northern District of New York filed an information against the Cortland Baking Co., a corporation, at Cortland, N. Y., alleging shipment on or about October 8, 1942, from the State of New York into the State of Pennsylvania of a quantity of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Cobakco Bread Old Fashioned Rye [or "White Sliced," "Pioneer Brand," "Delicious Cookies," or "Donuts".]."

On May 4, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

4729. Adulteration and misbranding of pies. U. S. v. 1,376 Cellophane-Wrapped Pies. Default decree of condemnation and destruction. (F. D. C. No. 9478. Sample No. 17100-F.)

On March 4, 1943, the United States attorney for the Eastern District of New York filed a libel against 1,376 cellophane-wrapped pies at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1943, by Darcy's Pies from Chicopee Falls, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "A Grand Pie 5¢ Pineapple."

The article was alleged to be adulterated in that a valuable constituent, pineapple, had been in whole or in part omitted therefrom, and in that pie filling consisting essentially of artificially colored cornstarch paste with little or no fruit, had been substituted wholly or in part for pineapple filling.

The article was alleged to be misbranded in that the statement "A Grand Pie * * * Pineapple" was false and misleading as applied to a pie containing a filling consisting essentially of artificially colored cornstarch paste with little or no fruit.

On April 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4730. Adulteration of ginger snaps and macaroon snaps. U. S. v. 23 Cases of Ginger Snaps and 49 Cases of Macaroon Snaps. Default decrees of condemnation and destruction. (F. D. C. No. 9092. Sample Nos. 4479-F, 4480-F.)

These products contained rodent hairs.

On December 29, 1942, the United States attorney for the Middle District of Tennessee filed libels against 49 cases, each containing 25 pounds, of macaroons and 23 cases, each containing 28½ pounds, of ginger snaps at Nashville, Tenn., alleging that the articles had been shipped in interstate commerce on or about November 14, 1942, by the Runkle Co., from Kenton, Ohio; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 11, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4731. Misbranding of cookies and macaroons. U. S. v. 21 Boxes of Cookies and 22 Boxes of Macaroons. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 9196. Sample Nos. 18719-F, 18720-F.)

These products were short of the declared weight.

On or about January 18, 1943, the United States attorney for the District of Connecticut filed a libel against 21 boxes of cookies and 22 boxes of macaroons at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about November 12, 1942, by the Liberty Brand Cookie Co., Inc., from Corona, Long Island, N. Y.; and charging that they were misbranded in

that the label statements "Net weight 8 oz." and "Net 8 oz." were false and misleading as applied to articles that were short-weight and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

4732. Adulteration of ice cream cones. U. S. v. 8 Cartons of Ice Cream Cones (and 3 additional seizure actions against ice cream cones.) Default decrees of condemnation and destruction. (F. D. C. Nos. 9198, 9199, 9394, 9395. Sample Nos. 9930-F, 9931-F, 28465-F, 28467-F, 28685-F, 28686-F.)

This product contained rodent hairs, insect fragments, hair fragments resembling rodent or cat hairs, larvae, and weevils.

Between January 18 and February 20, 1943, the United States attorneys for the Southern District of Florida, the Eastern District of Louisiana, and the Middle District of North Carolina filed libels against 30 cases of ice cream cones at Jacksonville, Fla., 493 cases of ice cream cones at New Orleans, La., and 50 cases of ice cream cones at Burlington, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about December 15, 1942, to January 22, 1943, by the Maryland Baking Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Flavorized Flare Tops Dripless Cake Cones," "Duble Heder Ice Cream Cones," or "Torch Cup Cake Cones."

Between March 4 and April 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4733. Adulteration of ice cream cones. U. S. v. 10 Cans of Ice Cream Cones. Default decree of condemnation and destruction. (F. D. C. No. 9257. Sample No. 28289-F.)

This product contained insect fragments, whole insect larvae, and rodent hair fragments.

On January 27, 1943, the United States attorney for the Middle District of Alabama filed a libel against 10 cans, each containing 333 ice cream cones, at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about April 30 and October 18, 1942, by the Purity Cone Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4734. Misbranding of graham crackers. U. S. v. 82 Cartons of Grahams. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 9224. Sample No. 6352-F.)

This product was short of the declared weight.

On January 20, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 82 cartons, each containing 6 packages, of graham crackers at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 9, 1942, by Thomas and Clarke, Inc., from Peoria, Ill.; and charging that it was misbranded in that the statement "Net Weight Two Pounds" was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Packages) "Evergood Graham * * * Net Weight Two Pounds."

On February 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

MISCELLANEOUS CEREAL PRODUCTS

4735. Adulteration of egg noodles. U. S. v. Antonio J. Pereira and Joseph Rodrigues (Luso-American Macaroni Manufacturing Company). Pleas of guilty. Fines, \$100. (F. D. C. No. 8835. Sample Nos. 19459-F, 19900-F.)

On April 30, 1943, the United States attorney for the District of Massachusetts filed an information against Antonio J. Pereira and Joseph Rodrigues, trading as co-partners under the firm name of Luso-American Macaroni Manufacturing Co. at Fall River, Mass., alleging shipment on or about October 5 and

November 21, 1942, from the State of Massachusetts into the State of Rhode Island of a quantity of egg noodles that were adulterated and misbranded.

The article was alleged to be adulterated (1) in that egg, a valuable constituent of egg noodles, had been in part omitted therefrom; and (2) in that noodles containing a smaller amount of egg than egg noodles should contain had been substituted for egg noodles. It was alleged to be misbranded (1) in that the statement: "Pure Egg Noodles" borne on the cases was false and misleading; and (2) in that it was not egg noodles, but had been offered for sale and sold under that name.

On May 18, 1943, pleas of guilty having been entered, the court imposed a fine of \$50 upon each defendant.

4736. Adulteration of egg noodles. U. S. v. 150 Cases of Egg Noodles (and 2 additional seizure actions against egg noodles). Default decrees of condemnation and destruction. (F. D. C. Nos. 9477, 9796, 9797. Sample Nos. 19136-F, 44362-F, 44363-F, 45067-F, 45068-F.)

This product contained insect fragments, rodent hair fragments, hair fragments resembling rodent hairs, and wood splinters.

On or about March 8 and April 19, 1943, the United States attorney for the District of New Jersey filed libels against 150 cases of egg noodles at Perth Amboy, N. J., 98 cases of egg noodles at Jersey City, N. J., and 35 cases of egg noodles at Bayonne, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about February 10 to March 23, 1943, by A. Zerega's Sons, Inc., Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Filigree Quality Egg Noodles * * * Filigree Quality Foods, Inc. Jersey City, New Jersey Distributors"; "Flagstaff Pure Egg Noodles Distributors Greenspan Bros Co., Perth Amboy, N. J."; or "Fisher's Cream of the Crop Egg Noodles * * * Packed by Fisher Milling Co. Bayonne, N. J."

On April 12 and June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4737. Adulteration of noodles. U. S. v. 24 Cases and 47 Cases of Noodles. Default decree of condemnation and destruction. (F. D. C. Nos. 9263, 9264. Sample Nos. 30840-F, 30841-F.)

On February 1, 1943, the United States attorney for the District of Oregon filed a libel against 71 50-pound cases of noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 17, 1942, by the Majestic Food Products Co. (formerly Shanghai Noodle & Macaroni Mfg. Co.) from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, rodent-hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On March 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4738. Adulteration of rice. U. S. v. 45 Bags of Rice. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 8183, 8184. Sample Nos. 4039-F, 4040-F.)

This product had been stored under insanitary conditions after shipment and, when examined, was found to be weevil-infested. The bags were dirty and covered with weevils and rodent pellets, and showed rodent urine stains.

On August 22, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 18 100-pound bags and 27 25-pound bags of rice at Chattanooga, Tenn., alleging that it had been shipped within the period from on or about February 7 to May 4, 1942, from Dewitt and Carlisle, Ark., and that it was in the possession of the C. D. Kenny Co. at Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bag) "Fag Godchaux's Private Stock Rice," or "Smith Coated Rice."

On December 9, 1942, the C. D. Kenny Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

CHOCOLATE PRODUCTS AND CANDY

CANDY

Nos. 4739 to 4750 report the disposition of legal actions involving lots of candy containing one or more of various types of filth contamination such as rodent pellets, rodent and cat hairs, insects, insect fragments, larvae, and miscellaneous filth.

4739. Adulteration of candy. U. S. v. 24 Boxes and 34 Packages of Candy (and 4 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9271, 9304 to 9306, incl., 9312, 9364. Sample Nos. 7391-F to 7394-F, incl., 17042-F to 17046-F, incl., 18738-F to 18740-F, incl., 23153-F to 23157-F, incl., 23161-F, 23163-F, 36865-F to 36867-F, incl.)

This product contained rodent hair fragments, insect fragments, mammalian hairs resembling rodent hairs, plant fibers, fragments of dirt, metal, and charcoal, and unidentified hairs.

Between February 1 and 13, 1943, the United States attorneys for the District of Maryland, Eastern District of Pennsylvania, the District of Connecticut, the District of New Jersey, the District of Minnesota, and the Middle District of Pennsylvania filed libels against 24 5-pound boxes and 34 1-pound packages of candy at Baltimore, Md., 67 7-ounce boxes and 27 ½-pound boxes of candy at Philadelphia, Pa., 10 5-pound boxes, 1 40-pound carton and 5 pounds of candy at New Haven, Conn., 33 1-pound boxes, 27 ½-pound boxes and 3 40-pound boxes of candy at Newark, N. J., 23 1-pound packages and boxes, 16 ½-pound packages, and 8 7-ounce packages of candy at St. Paul, Minn., and 65 1-pound boxes, 31 ½-pound boxes, and 27 7-ounce boxes of candy at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to 19, 1943, by Kopper's Chocolate Specialty Co., Inc., New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Lentils"; "Mint Dragees"; "Assorted Dragees"; "Kopper's Chocolates * * * Cocoa Almonds * * * [or "Burnt Almonds"]"; "Rum Cordial Dragees"; "Praline de Marquise"; "French Cherries"; "Cherries"; or "Dragee Varieties".

Between February 23 and April 28, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4740. Adulteration of candy. U. S. v. Edwin W. McDonell (E. W. McDonell). Plea of guilty. Fine \$100. (F. D. C. No. 8808. Sample No. 4393-F.)

On February 17, 1943, the United States attorney for the Southern District of Ohio filed an information against Edwin W. McDonell, trading under the firm name of E. W. McDonell, at Cincinnati, Ohio, alleging shipment on or about November 13, 1942, from the State of Ohio into the State of Kentucky of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Wrappers) "Toasted Crunchy Nut Bar."

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

4741. Adulteration of candy. U. S. v. Peter Anastasoff and James Anastasoff (Purity Candy Co.). Pleas of guilty. Defendants fined \$500 each on count 1, \$1 each on both counts 3 and 4, and sentenced to 5 months in jail on count 2. Jail sentence suspended and defendants placed on probation. (F. D. C. No. 8767. Sample Nos. 5803-F to 5810-F, incl.)

On January 27, 1943, the United States attorney for the Eastern District of Missouri filed an information against Peter Anastasoff and James Anastasoff, trading as co-partners under the firm name of Purity Candy Co. at St. Louis, Mo., alleging shipment on or about July 16, 1942, from the State of Missouri into the States of Indiana, North Dakota, and West Virginia of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Liberty Deal," "Black Bottom," "Liberty," "Toasty-Treat," "Bomber," "Keep 'Em Flying."

On April 7, 1943, the defendants having entered pleas of guilty, the court imposed the following fines against each individual defendant: \$500 on count 1, \$1 on each of counts of 3 and 4. The court sentenced the defendants to 5 months in jail on count 2 unless the fines were paid within 30 days, in which event the defendants would be placed on probation. The fines were paid and the defendants were placed on probation.

4742. Adulteration of candy. U. S. v. Albert J. Stoll (Stoll Candy Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 8793. Sample Nos. 2047-F to 2049-F, incl., 4617-F, to 4620-F, incl.)

On April 16, 1943, the United States attorney for the Eastern District of Missouri filed an information against Albert J. Stoll, trading as Stoll Candy Company at St. Louis, Mo., alleging shipment within the period from on or about June 10 to July 10, 1942, from the State of Missouri into the States of Tennessee and Illinois of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Cocoanut M-M"; "Toastie-M-M"; "Mallow Blocks * * * Mfd by J. F. Darmody Co. Indianapolis, Ind."; "London Bridge Toffee Manufactured by Overland Candy Co. Chicago, Ill."; "Darmody Hay Stack Mfd. by the J. F. Darmody Co. Indianapolis, Ind."; or "Stoll's [or 'Divinity'] Hay-Stacks."

On April 22, 1943, a plea of guilty having been entered by the defendant, the court imposed a fine of \$50 on each of the 4 counts contained in the information, a total fine of \$200.

4743. Adulteration of candy. U. S. v. Arthur G. Spangler and Ernest D. Spangler (Spangler Candy Co.). Pleas of nolo contendere. Fine of \$50 and \$25 costs against each defendant. (F. D. C. No. 9648. Sample No. 482-F.)

On June 2, 1943, the United States attorney for the Northern District of Ohio filed an information against Arthur G. Spangler and Ernest D. Spangler, trading as co-partners under the firm name Spangler Candy Co., Bryan, Ohio, alleging shipment on or about January 7, 1943, from the State of Ohio into the State of Wisconsin of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 26, 1943, the defendants having entered pleas of nolo contendere, the court imposed a fine of \$50 and \$25 costs against each defendant.

4744. Adulteration of candy. U. S. v. 8 Cartons and 4 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9391. Sample No. 482-F.)

On February 16, 1943, the United States attorney for the Eastern District of Wisconsin filed a libel against 8 20-pound cartons and 4 13-pound cartons of candy at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 28, 1943, by the Spangler Candy Co. from Bryan, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Vanilla Klondikes [or "Cocoanut Flake * * *"] Gold Leaf Confections."

On April 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4745. Adulteration of candy. U. S. v. 36 Cans of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9203. Sample No. 30907-F.)

On January 22, 1943, the United States attorney for the Western District of Washington filed a libel against 36 10-ounce cans of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 15, 1942, by O'Brien's, Inc., from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments, insect larvae, and worm capsules, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Can) "O'Brien's Candies Nutti Brittle."

On April 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4746. Adulteration of candy. U. S. v. 140 Boxes, 40 Boxes, and 60 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9145. Sample Nos. 19083-F to 19085-F, incl.)

On or about January 13, 1943, the United States attorney for the District of New Jersey filed a libel against 240 boxes of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 22, 1942, from New York, N. Y., by Phil Silvershein Corporation; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Little Chunky," "Brazil Nut Fancies," or "Pineapple Clusters."

On January 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4747. Adulteration of candy. U. S. v. 8 Boxes, 10 Boxes and 2 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 8613, 8614. Sample Nos. 1058-F, 1059-F, 4434-F, 4435-F.)

On or about October 19, 1942, the United States attorneys for the Eastern Districts of Michigan and Kentucky filed libels against 4 31-pound boxes and 4 9-pound boxes of candy at Detroit, Mich., and 10 8½-pound boxes and 2 cases, each containing 31 pounds, of candy at Maysville, Ky., alleging that the article had been shipped in interstate commerce on or about September 12 and 14, 1942, by the Runkle Company from Kenton, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Clifton Mix," or "Robin Chocolate Drops."

On November 10 and 13, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4748. Adulteration of candy. U. S. v. 37 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9159. Sample No. 22633-F.)

On or about February 19, 1943, the United States attorney for the District of New Jersey filed a libel against 37 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about December 24, 1942, from Philadelphia, Pa., by Brown's Confectionery Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Verbelrose Chocolates."

On March 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4749. Adulteration of candy. U. S. v. 96 Boxes and 71 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 9160, 9161. Sample Nos. 28923-F, 28924-F.)

On January 11, 1943, the United States attorney for the Northern District of Georgia filed libels against the above quantities of candy at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce on or about December 9, 1942, from Baltimore, Md., by Fred E. Foos Candy Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Freddie's Jelly Beans."

On March 19, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4750. Adulteration and misbranding of sweet chocolate and candy. U. S. v. 37 Cartons of Sweet Chocolate (and 7 additional seizure actions against sweet chocolate and candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9344 to 9347, incl., 9361, 9362, 9407, 9409. Sample Nos. 17184-F to 17187-F, incl., 18410-F, 18411-F, 18413-F to 18417-F, incl., 44562-F to 44565-F, incl., 44571-F to 44574-F, incl.)

Samples of these products were found to contain rodent hairs, rodent hair fragments, rodent excreta fragments, insect fragments, wood splinters, small fragments of dirt, mammalian hairs resembling rodent hairs, cat hairs, coal fragments, and miscellaneous filth.

Between February 8 and 23, 1943, the United States attorneys for the Southern and Eastern Districts of New York and the District of Connecticut filed libels against 116 cartons of sweet chocolate and 300 boxes of candy at New York, N. Y.,

35 boxes of candy at Brooklyn, N. Y., 22 cartons of candy at New Haven, Conn., and 91 boxes of candy at Hartford, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about January 25 to February 1, 1943, by Chocolat-Menier from Hoboken, N. J.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. One lot of candy was also misbranded. The articles were labeled in part: "Maple Cream Walnut," "Peanut Clusters," "Plantation," "Sour Orange," "Vanilla Creams," "Chips," "Sweet Chocolate."

Portions of the candy labeled in part "Sour Orange" were alleged to be misbranded in that they contained artificial coloring and failed to bear labeling stating that fact.

Between March 8 and April 29, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CHOCOLATE PRODUCTS

4751. Adulteration and misbranding of chocolate topping and icing substitute. U. S. v. 20 Cases of Chocolate Fudge Topping & Icing Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9462. Sample No. 20173-F.)

This product was moldy. Its labeling failed to declare that it contained artificial flavoring.

On March 2, 1943, the United States attorney for the District of Rhode Island filed a libel against 20 cases of the above-named product at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 7, 1943, by the Royale Popcorn Co., Inc. from Cleveland, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Robinson's Fine Chocolate Fudge Topping & Icing Substitute * * * Vanalin for flavor * * * Manufactured by J. B. Robinson * * * Cleveland, Ohio."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it contained an artificial flavoring, (vanillin), and its labeling failed to state that fact.

On April 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4752. Adulteration of chocolate sirup substitute. U. S. v. 21 Cases of Chocolate Sirup Substitute. Default decree of condemnation and destruction. (F. D. C. No. 10255. Sample No. 33675-F.)

Examination showed that this article was decomposed.

On July 14, 1943, the United States attorney for the Western District of New York filed a libel against 21 cases, each containing 24 jars, of chocolate sirup substitute at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about May 13, 1943, by the Royale Popcorn Co., Cleveland, Ohio, and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jar) "Robinson's Sweet Chocolate Syrup Substitute * * * Packed by J. B. Robinson * * * Cleveland, Ohio."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4753. Misbranding of cocoa substitute. U. S. v. 2 Cases of Cocoa Substitute. Default decree of condemnation and destruction. (F. D. C. No. 9470. Sample. No. 31934-F.)

This product contained no roasted soya beans or maltose, as declared on the label, but did consist largely of pea flour with smaller amounts of cocoa powder. Its labeling failed to state that it contained artificial flavoring.

On March 5, 1943, the United States attorney for the Southern District of Indiana filed a libel against 2 cases, each containing 24 1-pound packages, of cocoa substitute at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 14, 1943, by the Royale Popcorn Co., Inc., from Cleveland, Ohio, and charging that it was misbranded. The article was labeled in part: (Pkgs.) "Robinson's Fine Breakfast Cocoa Substitute * * * Fresh Selected Roasted Soya Beans, Blended with Maltose * * * Vanillin for Flavor * * * Packed by J. B. Robinson * * * Cleveland, O."

The article was alleged to be misbranded in that the statements "Fresh Selected Soy Beans, Roasted and Pulverized, Blended with Maltose," and "Fresh Selected Roasted Soya Beans, Blended with Maltose" appearing on the labeling were false and misleading as applied to an article which contained neither of these ingredients. It was alleged to be misbranded further in that it contained an artificial flavoring, (vanillin), and its labeling failed to state that fact.

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

4754. Adulteration of butter. U. S. v. Chesapeake Dairy Products Co., Inc. Plea of nolo contendere. Sentence suspended for a period of 2 years. (F. D. C. No. 8739. Sample No. 22517-F.)

This product was made from moldy cream, and was deficient in milk fat.

On December 14, 1942, the United States attorney for the Eastern District of Virginia filed an information against the Chesapeake Dairy Products Co., Inc., at Mathews, Va., alleging shipment on or about July 27, 1942, from the State of Virginia into the State of Pennsylvania of a quantity of butter that was adulterated (1) in that it consisted in whole or in part of a filthy and decomposed substance; (2) in that a valuable constituent, milk fat, had been in part omitted therefrom; and (3) in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 25, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court suspended sentence for a period of 2 years conditioned upon the defendant's complying with the law and the regulations.

4755. Adulteration of butter. U. S. v. Northwestern Distributing Co. Plea of guilty. Fine, \$150. (F. D. C. No. 8807. Sample Nos. 88012-E, 15586-F to 15588-F, incl.)

This product contained animal hairs, insects and insect parts, vegetable fibers, feather barbules, and nondescript dirt.

On April 23, 1943, the United States attorney for the District of Montana filed an information against the Northwestern Distributing Co., a corporation, at Billings, Mont., alleging shipment on or about June 10 and August 19, 1942, from the State of Montana into the State of Wyoming of a quantity of butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Sawyer's Fine Quality Butter Manufactured for Sawyer Stores Billings, Montana," or "Western King Pasteurized Creamery Butter," "Fancy Creamery Butter."

On May 4, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

4756. Adulteration and misbranding of butter. U. S. v. 69 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be processed into inedible grease. (F. D. C. No. 8578. Sample No. 14901-F.)

This product contained rodent hairs and insect fragments, and was short weight.

On September 21, 1942, the United States attorney for the Southern District of California filed a libel against 69 cases, each containing 30 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1942, by the Lubbock Poultry & Egg, from Lubbock, Texas, and charging that it was adulterated and misbranded. The article was labeled in part: (Case) "30-Lb. Cartons Lake View Creamery Butter Wilson & Co.," (print) "Lake View Creamery Butter 2 Second Quality 2." The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance and was otherwise unfit for food. It was alleged to be misbranded in that the prints did not contain 1 pound net as labeled.

On April 1, 1943, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be processed into inedible grease, under the supervision of the Food and Drug Administration.

4757. Adulteration of butter. U. S. v. 12 Cases of Butter. Consent decree of condemnation. Product ordered sold for technical purposes. (F. D. C. No. 8522. Sample No. 28125-F.)

This product contained mold, indicating that it had been made from decomposed cream.

On or about September 2, 1942, the United States attorney for the Southern District of Florida filed a libel against 12 cases, each containing 32 pounds, of butter at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about August 8, 1942, by the Cudahy Packing Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Tissue wrappers around 1-lb. rolls) "Daisy Maid Brand Country Roll Style Butter."

On September 2, 1942, the Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. Subsequently the decree was amended to order the sale of the product for technical purposes.

Nos. 4758 to 4767, incl., (also No. 4754) report actions involving butter that was low in milk fat.

4758. Adulteration of butter. U. S. v. Cudahy Packing Co. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 8769. Sample No. 1507-F.)

On January 22, 1943, the United States attorney for the District of Nebraska filed an information against the Cudahy Packing Co., a corporation, at South Omaha, Neb., alleging shipment on or about July 14, 1942, from the State of Nebraska into the State of Illinois of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 21, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

4759. Adulteration of butter. U. S. v. Elliott Ice Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 8740. Sample No. 16991-F.)

On December 8, 1942, the United States attorney for the Western District of Virginia filed an information against the Elliott Ice Co., Inc., a corporation, at Charlottesville, Va., alleging shipment on or about July 16, 1942, from the State of Virginia into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed By J. R. Kramer, Inc. * * * New York, N. Y."

On December 8, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

4760. Adulteration of butter. U. S. v. 20 Cases of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9283. Sample No. 14332-F.)

On January 4, 1943, the United States attorney for the Southern District of California filed a libel against 20 cases, each containing 30 pounds, of butter at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about December 28, 1942, by the Mountain States Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Parchment) "Mountain View Pasteurized Creamery Butter."

On January 12, 1943, the Mountain States Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4761. Adulteration of butter. U. S. v. 7 Tubs of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 9286. Sample No. 31876-F.)

On January 22, 1943, the United States attorney for the Southern District of Ohio filed a libel against 7 70-pound tubs of butter at Cincinnati, Ohio, which had

been consigned on or about January 18, 1943, alleging that the article had been shipped in interstate commerce by the Farmers Marketing Association from Columbus, Ind.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

4762. Adulteration of butter. U. S. v. 4 Cases of Butter. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 9467. Sample No. 20165-F.)

On or about February 10, 1943, the United States attorney for the District of Rhode Island filed a libel against 4 cases, each containing 32 1-pound prints, of butter at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 3, 1943, by the Cabot Farmers' Cooperative Creamery Co. from Cabot, Vt.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Cartons) "Rose-dale Brand High Grade Vermont Creamery Butter."

On March 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

4763. Adulteration of butter. U. S. v. 85 1-pound Prints of Butter. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 9703. Sample No. 12956-F.)

On March 15, 1943, the United States attorney for the Western District of Washington filed a libel against 85 1-pound prints of butter at Seattle, Wash., which had been consigned by the Meadow Gold Dairy, alleging that the article had been shipped in interstate commerce on or about March 6, 1943, from Bozeman, Mont.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Meadow Gold Butter * * * Distributed by Beatrice Creamery Company."

On April 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

4764. Adulteration of butter. U. S. v. 12 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9967. Sample Nos. 45081-F, 45082-F.)

On April 21, 1943, the United States attorney for the Southern District of New York filed a libel against 12 66-pound boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1943, by the Winthrop Creamery Co. from Winthrop, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Distributed William Menzer, Inc. * * * New York."

On May 5, 1943, William Menzer, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration so that it comply with the law.

4765. Adulteration of butter. U. S. v. 3 Cubes and 17 Cubes (1,260 pounds) of Butter. Decrees of condemnation. Product ordered released under bond for reworking. (F. D. C. Nos. 8929, 8946. Sample Nos. 10783-F, 10808-F.)

On November 7 and 16, 1942, the United States attorney for the Northern District of California filed libels against a total of 20 63-pound cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 16 and 28, 1942, by the Land O'Lakes Creameries, Inc., from Chicago, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Distributed by the Kroger Grocery & Baking Co."

On November 19, 1942, B. J. Holmes, doing business as B. J. Holmes Sales Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4766. Adulteration of butter. U. S. v. 75 64-pound Cubes of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9008. Sample No. 10873-F.)

On December 1, 1942, the United States attorney for the Northern District of California filed a libel against 75 64-pound cubes of butter at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about November 14, 1942, by the Neosho Valley Co-operative Creamery Association from Erie, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On December 8, 1942, the Lucerne Cream and Butter Co., Oakland, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that the claimant bring the product into compliance with the law except such portions as might be found up to the legal standard.

4767. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9282. Sample No. 448-F.)

In addition to being deficient in milk fat this product was also short-weight.

On or about December 31, 1942, the United States attorney for the Northern District of Illinois filed a libel against 10 boxes, each containing 50 1-pound prints, of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 15, 1942, by the Farmers Cooperative Creamery Association from Protivin, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Wrapper) "Fancy Dittmann's Best Creamery Butter 1 Lb. Net Dittmann & Company * * * Chicago, Ill."

On January 5, 1943, Dittman & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

CHEESE

Nos. 4768 to 4772 report actions involving cheese, samples of which were found to be contaminated with one or more types of filth, such as rodent or human hairs, mites, rind rot, mold, and miscellaneous filth.

4768. Adulteration of Cheddar cheese. U. S. v. 60 Cheeses and 8 Cheeses. Default decrees of condemnation. Product ordered sold for non-food purposes. (F. D. C. Nos. 8367, 8725. Sample Nos. 519-F, 2069-F.)

Examination showed the presence in this product of rodent hairs, human hairs, adult and larva insect fragments, mites, and miscellaneous filth.

On September 26 and November 14, 1942, the United States attorney for the Northern District of Illinois filed libels against 60 cheeses at Chicago, Ill., and 8 cheeses at Freeport, Ill., each weighing about 75 pounds, alleging that the article had been shipped in interstate commerce on or about August 12 and 19, 1942, by the Brinkman Cheese Co., Fennimore, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 19, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered sold at the highest obtainable price on condition that the purchaser restrict the use of the oils and fats obtained from it to non-food purposes.

4769. Adulteration of cheese. U. S. v. 25 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9308. Sample No. 10419-F.)

On February 3, 1943, the United States attorney for the Northern District of California filed a libel against 25 boxes, each containing 6 cheeses, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 31, 1942, by the Star Cheese Factory from Coquille, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Box) "Whole Milk * * * Oregon Blue Cheese."

On April 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4770. Adulteration of cheese. U. S. v. 57 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9158. Sample Nos. 22577-F, 22580-F.)

On January 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 57 43-pound boxes of cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 27, 1942, by G. W. Cummings from Groton, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Heart's Delight New York State Whole Milk Washed Curd Cheese Scoville, Brown & Co., Wellsville, N. Y."

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered (amended July 14, 1943) and the product was ordered destroyed.

4771. Adulteration of cheese. U. S. v. 131 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8875. Sample No. 7580-F.)

On November 12, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 131 boxes of cheese at Mayville, Wis., alleging that the article had been shipped in interstate commerce on or about October 23, 1942, by Steele Wedeles Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 10, 1943, the case having been called and no claim or answer appearing in the record, judgment of condemnation was entered and the product was ordered destroyed.

4772. Adulteration of Eatette Cheese Food. U. S. v. 30 Cases of Eatette American Cheese Food. Default decree of condemnation and destruction. (F. D. C. No. 9348. Sample No. 23226-F.)

On February 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 cases of the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 31, 1942, by the Fisher Dairy & Cheese Co. from Wapakoneta, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On February 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4773. Adulteration and misbranding of Colby cheese. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 8815. Sample Nos. 4472-F, 4473-F, 31854-F.)

On March 12, 1943, the United States attorney for the Northern District of Indiana filed an information against Swift & Co., a corporation, Marion, Ind., alleging shipment on or about November 9 and December 14, 1942, from the State of Indiana into the State of Ohio of a quantity of Colby cheese that was adulterated and misbranded. The article was labeled in part: (Label on boxes) "Brookfield Genuine Colby Brookfield Branded Colby Cheese."

The article was alleged to be adulterated in that a product containing moisture in excess of 40 percent, the solids of which contained less than 50 percent of milk fat, had been substituted for Colby cheese, a product which should contain not more than 40 percent of moisture and the solids of which should contain not less than 50 percent of milk fat.

The article was alleged to be misbranded in that it purported to be and was represented as Colby cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

On April 5, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

EGGS

4774. Adulteration of shell eggs. U. S. v. Conrad Bachmeyer (C. Bachmeyer). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 8817. Sample No. 17783-F.)

On March 16, 1943, the United States attorney for the District of Connecticut filed an information against Conrad Bachmeyer, trading as C. Bachmeyer, at

North Haven, Conn., alleging shipment on or about November 16, 1942, from the State of Connecticut into the State of New York of a quantity of shell eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On April 1, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$10.

4775. Adulteration of shell eggs. U. S. v. 44 Cases of Shell Eggs. Product ordered released under bond for reclaiming good portion. (F. D. C. No. 9169. Sample No. 14616-F.)

On January 11, 1943, the United States attorney for the Southern District of California filed a libel against 44 cases, each containing 30 dozen, of eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 19, 1942, by the Spencer Produce Co., Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 23, 1943, Jack Levine, trading as the Rancho Egg Farms, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was candled and the unfit portion was destroyed or denatured.

4776. Adulteration of shell eggs. U. S. v. 258 Crates of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9336. Sample No. 14622-F.)

On February 8, 1943, the United States attorney for the Southern District of California filed a libel against 258 crates, each containing 30 dozen, of shell eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1942, by Sol Rich and Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Crates) "Eggs 30 Dozen Lanesboro Produce Company Distributors Wells Minn."

On February 27, 1943, Nye & Nissen, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The eggs were candled and the rejects were disposed of as tankage.

4777. Alleged adulteration and misbranding of liquid whole eggs. U. S. v. Golden Eagle Farm Products, Inc. Plea of not guilty. Tried to a jury. Verdict of not guilty. (F. D. C. No. 8746. Sample No. 84398-E.)

On April 2, 1943, the United States attorney for the Southern District of New York filed an information against the Golden Eagle Farm Products, Inc., New York, N. Y., alleging shipment on or about May 12, 1942, from the State of New York into the State of New Jersey of a number of drums of liquid whole eggs that were adulterated and misbranded.

The article was alleged to be adulterated (1) in that a product high in reducing sugars had been substituted wholly or in part for whole eggs, and (2) in that a product high in reducing sugars had been added to the article or had been mixed and packed with it so as to reduce its quality or strength.

It was alleged to be misbranded (1) in that the statement, "Whole Eggs," borne on the tag attached to the drums was false and misleading; and (2) in that it purported to be liquid whole eggs, a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but did not conform to such definition and standard in that it did not consist of eggs of the domestic hen broken from the shells and with yolks and whites in their natural proportions as so broken.

On June 5, 1942, a plea of not guilty having been entered on behalf of the defendant, the case was tried to a jury. The trial was concluded on June 8, 1942, and the jury returned a verdict of not guilty.

4778. Adulteration of dried whole egg powder. U. S. v. 62 Boxes of Spray Process Whole Egg Powder. Default decree of condemnation and destruction. (F. D. C. No. 9260. Sample No. 12026-F.)

On February 9, 1943, the United States attorney for the Western District of Washington filed a libel against 62 40-pound boxes of whole egg powder at Seattle, Wash., alleging that the article had been delivered to the dock at Seattle, Wash., on or about September 21, 1942, by Guy F. Atkinson Co., for

shipment to Juneau, Alaska; that through error it was loaded on the wrong ship which error was not discovered until the ship was at sea; that the ship did not stop at Juneau and the product remained on the boat until its return to Seattle November 24, 1942; and that when examined it had become caked, apparently from the action of water, some had been damaged by rodents, and some was moldy. The article was labeled in part: "Spray Process Whole Egg Powder Manfd. By Commercial Creamery Co. Spokane Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance or was otherwhile unfit for use as a food.

On April 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4779. Adulteration of dried whole eggs. U. S. v. 7 Barrels of Dried Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 8707. Sample No. 18010-F.)

On November 5, 1942, the United States attorney for the District of New Jersey filed a libel against 7 barrels, each containing 200 pounds, of dried whole eggs at Jersey City, N. J., alleging that the article had been introduced into and was in interstate commerce by reason of the following facts: It was a part of a lot of 60,000 pounds of dried whole eggs sold by Jacob Stern, New York, N. Y., to the Federal Surplus Commodities Corporation, intended for lend-lease export under a written contract of sale dated July 29, 1942; in compliance with the terms of the contract 75 barrels were packed at North Bergen and labeled in part: "Jacob Stern Spray Dried Whole Eggs Contract No. FSC 27540 New York N Y USA M/F/O (in a triangle) August," and delivered to the Railroad Terminal & Refrigerating Co. warehouse, Jersey City, N. J. The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

On May 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4780. Adulteration of dried whole eggs. U. S. v. 3 Barrels of Dried Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 9776. Sample 3344-F.)

On April 9, 1943, the United States attorney for the Western District of Missouri filed a libel against 3 barrels, each containing 175 pounds, of dried whole eggs at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 28, 1943, by the Monark Food Products Co., Hutchinson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4781. Adulteration of dried eggs. U. S. v. 5 Barrels of Dried Eggs. Default decree of condemnation and destruction. (F. D. C. No. 9248. Sample No. 4280-F.)

On January 26, 1943, the United States attorney for the Southern District of Ohio filed a libel against 5 barrels, each containing 160 pounds, of dried eggs at Martins Ferry, Ohio, alleging that the article had been shipped in interstate commerce on or about November 13, 1942, by the Central Ohio Supply Co., of Columbus, Ohio, from New York City, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Barrel) "Duche Golden Fluff Domestic Whole Egg Powder."

On March 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4782. Adulteration of frozen whole eggs. U. S. v. 1,000 Cartons of Whole Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging the portion fit for human consumption. (F. D. C. No. 8339. Sample No. 9011-F.)

On September 14, 1942, the United States attorney for the Northern District of Texas filed a libel against 1,000 30-pound cartons of whole eggs at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about June 5, 1942, by the Blue Diamond Products Co. from Council Bluffs, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, decomposed eggs.

On October 17, 1942, the Blue Star Produce, Inc., and Henningsen Brothers, Inc., of Fort Worth, Tex., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad under the supervision of the Food and Drug Administration, so that the good portion could be sold for human consumption.

4783. Adulteration of frozen eggs. U. S. v. 932 Cartons of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9114. Sample No. 17780-F.)

On January 4, 1943, the United States attorney for the Eastern District of New York filed a libel against 932 cartons, each containing 30 pounds, of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 27, 1942, by the Tracy Produce Co., Inc., from Tracy, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 19, 1943, Nathan Erlich, Inc., a New York corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated and destroyed.

4784. Adulteration of frozen whole eggs. U. S. v. 212 Cartons and 149 Cartons of Frozen Whole Eggs (and 1 other seizure of frozen eggs). Consent decrees of condemnation. Product ordered released under bond for segregation and denaturing of unfit portion. (F. D. C. Nos. 9073, 9099. Sample Nos. 17776-F to 17779-F, incl.)

On December 28, 1942, and January 4, 1943, the United States attorney for the Eastern District of New York filed libels against a total of 549 cartons and 386 cans of whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 11 and August 4, 1942, by the Blue Star Produce Inc., Council Bluffs, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 14, 1943, George Wittner & Co., a New York corporation, and Powdered Food Products, a New Jersey corporation, having appeared as claimants for respective portions of the product and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released to the respective claimants upon the execution of bonds conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration, so that it could not be used for human consumption.

4785. Adulteration of frozen whole eggs. U. S. v. 317 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for disposition in compliance with the law. (F. D. C. No. 9237. Sample No. 12470-F.)

On January 27, 1943, the United States attorney for the Western District of Washington filed a libel against 317 cans, each containing 30 pounds, of frozen whole eggs at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about May 5 to July 31, 1942, by the Fergus County Creamery from Lewistown, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 5, 1943, T. B. Klock & Co. of Seattle, Wash., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

FISHERIES PRODUCTS

FISH

4786. Adulteration of frozen whiting. U. S. v. 45,232 Pounds and 36,231 Pounds of Fish. Consent decrees of condemnation. Product ordered sold to highest bidder for non-food purposes. (F. D. C. Nos. 8700, 8853. Sample Nos. 6323-F, 7064-F.)

On November 4 and 10, 1942, the United States attorney for the Eastern District of Missouri filed libels against a total of 81,463 pounds of frozen whiting at St. Louis, Mo., alleging that the article had been shipped in interstate com-

merce on or about October 16 and 21, 1942, by Trans-Oceanic Fisheries from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 12, 1943, the Trans-Oceanic Fisheries, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered sold to the purchaser offering the highest bid and adopting such safeguards as required by the Federal Security Agency against the fish being used in violation of law.

4787. Adulteration of frozen whitefish. U. S. v. 570 Pounds of Frozen Whitefish. Default decree of condemnation and destruction. (F. D. C. No. 9230. Sample No. 1155-F.)

On January 25, 1943, the United States attorney for the Northern District of Illinois filed a libel against 570 pounds of frozen whitefish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 23 and 25, 1942, by the Western Fish Co. from Toronto, Ontario, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, parasitic worms and decomposed fish.

On March 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4788. Adulteration of frozen whitefish. U. S. v. 7 Boxes of Whitefish. Default decree of condemnation and destruction. (F. D. C. No. 9215. Sample No. 1158-F.)

On January 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 7 boxes of frozen whitefish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 26, 1942, by Western Canada Fisheries from Winnipeg, Manitoba, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasitic worms.

On March 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4789. Adulteration of tullibees. U. S. v. 81 Boxes of Tullibees. Default decree of condemnation and destruction. (F. D. C. No. 9177. Sample 1150-F.)

On January 16, 1943, the United States attorney for the Northern District of Illinois filed a libel against 81 110-pound boxes of tullibees at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 26, 1942, by the Viking Fisheries, Ltd., from Winnipeg, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasitic worms.

On March 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4790. Adulteration of canned pilchards. U. S. v. 249 Cases of Canned Pilchards. Consent decree of condemnation and destruction. (F. D. C. No. 9213. Sample Nos. 3144-F, 3146-F.)

On January 22, 1943, the United States attorney for the District of Nebraska filed a libel against 249 cases, each containing 48 cans, of pilchards at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 30, 1942, by the Northern Packing Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Christoe's In Tomato Sauce * * * Northern California Pilchards."

On March 2, 1943, the court entered an order granting Northern Packing Corporation, the intervenor, permission to obtain samples and an extension of 30 days for filing claim and answer. Subsequently, the intervenor having appeared and entered its disclaimer of any and all interest in the property, on March 31, 1943, judgment of condemnation was entered and the product was ordered destroyed.

SHELLFISH

4791. Adulteration of crab meat. U. S. v. John H. Fleming and Edward J. Fleming (J. H. Fleming & Company). Plea of guilty. Fine, \$150. (F. D. C. No. 8765. Sample No. 25227-F.)

On December 31, 1942, the United States attorney for the Eastern District of Virginia filed an information against John H. Fleming and Edward J. Fleming, trading as co-partners under the firm name J. H. Fleming & Co., at Portsmouth, Va., alleging shipment on or about September 16, 1942, from the State of Virginia

into the State of Maryland of a quantity of crab meat that was adulterated (1) in that it consisted in whole or in part of a filthy substance by reason of the presence therein of fecal pollution, (2) in that it consisted in part of a decomposed substance, and (3) in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 14, 1943, a plea of guilty having been entered by the defendant, the court ordered the imposition of sentence suspended for a period of 5 years upon payment of a fine of \$150.

4792. Adulteration of frozen shrimp. U. S. v. 6 Cases of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9187. Sample No. 1352-F.)

On January 14, 1943, the United States attorney for the Northern District of Illinois filed a libel against 6 cases containing approximately 586 pounds of shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1942, by J. R. Steed & Sons from Lake Charles, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4793. Adulteration of frozen shrimp. U. S. v. 296 Cakes and 30 Bags of Frozen Shrimp. Default decrees of condemnation and destruction. (F. D. C. Nos. 9202, 9374. Sample Nos. 19152-F, 33601-F.)

On January 15 and February 15, 1943, the United States attorneys for the Western and Southern Districts of New York filed libels against 296 10-pound cakes of frozen shrimp at Buffalo, N. Y., and 30 10-pound bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 22 and 30, 1942, by the Liberty Fish Co. from Beaufort, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 18 and March 4, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4794. Adulteration of frozen shrimp. U. S. v. 14 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9486. Sample Nos. 37205-F, 37206-F.)

On or about March 5, 1943, the United States attorney for the District of Maryland filed a libel against 14 20-pound tin boxes of frozen shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 19 and September 14, 1942, by J. R. Hardee, Jr., from Berwick, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4795. Adulteration of frozen shrimp. U. S. v. 50 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9359. Sample No. 19155-F.)

On February 13, 1943, the United States attorney for the Southern District of New York filed a libel against 50 10-pound bags of frozen shrimp at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1942, by the Roland Fish Co. from Mayport, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Fresh Frozen Shrimp."

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4796. Adulteration of frozen shrimp. U. S. v. 9 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9343. Sample Nos. 19146-F, 19150-F.)

On February 11, 1943, the United States attorney for the Southern District of New York filed a libel against 9 bags, each containing 10 pounds, of frozen shrimp at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1942, by the Ed Martin Sea Food Co. from Westwego, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4797. Adulteration of frozen shrimp. U. S. v. 106 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9272. Sample No. 18897-F.)

On February 2, 1943, the United States attorney for the Southern District of New York filed a libel against 106 10-pound bags of frozen shrimp at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1942, by the King Shrimp Co. and Troy T. Davis from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS AND SPICES

4798. Adulteration and misbranding of lemon flavor. U. S. v. 80 Quarts of Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 6710. Sample No. 51312-E.)

This product was represented to contain 20 percent of lemon oil whereas it contained less than 9 percent.

On January 14, 1942, the United States attorney for the District of Massachusetts filed a libel against 80 quarts of lemon flavor at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 23, 1940, by Francis H. Leggett & Co., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a non-alcoholic lemon flavor containing less than 20 percent oil of lemon had been substituted for non-alcoholic lemon flavor containing 20 percent of oil of lemon. It was alleged to be misbranded in that the statements "Formula Oil of Lemon (U. S. P. (by volume)) 20 Per Cent," and "This lemon flavor has four times the flavoring strength of ordinary commercial lemon extracts. One teaspoonful of this flavor is equal in strength to four teaspoonfuls of commercial extract and should be used accordingly" were false and misleading since the article contained less than 20 percent of oil of lemon.

On May 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4799. Adulteration of ginger. U. S. v. 73 Cases of Ginger. Default decree of condemnation and destruction. (F. D. C. No. 9267. Sample Nos. 25133-F, 37513-F.)

On February 4, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 73 cases, each containing 48 cartons, of ground ginger at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about December 6, 1942, by the Frank Tea & Spice Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insect fragments and rodent hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Carton) "Rainbo Spices Ground Ginger."

On April 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4800. Adulteration of bulk ginger root. U. S. v. 201 Bags of Calicut Rough Ginger. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 9422. Sample No. 5787-F.)

This product contained insects, insect fragments, larvae, and cast skins.

On February 23, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 201 112-pound bags of Calicut rough ginger at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 29, 1942, by the P. H. Petry Co. from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On March 20, 1943, the David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

4801. Adulteration of mustard seed. U. S. v. 453 Bags of Mustard Seed. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9504. Sample No. 31796-F.)

This product was stored under insanitary conditions after shipment in interstate commerce and rodent excreta was found on the bags when examined, the bags had been gnawed by rodents, and samples of the product were found to contain rodent excreta.

On March 8, 1943, the United States attorney for the Northern District of Ohio filed a libel against 453 100-pound bags of mustard seed at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about June 26, 1942, from Great Falls, Mont., and that it was in possession of the Harbauer Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On March 11, 1943, the Harbauer Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

4802. Adulteration of rubbed sage. U. S. v. 38 Cases and 5 Cases of Rubbed Sage. Default decree of condemnation and destruction. (F. D. C. No. 9369. Sample No. 9928-F.)

This product contained rodent hairs and insect fragments.

On February 12, 1943, the United States attorney for the Southern District of Mississippi filed a libel against 38 cases, each containing 12 cans, and 5 cases, each containing 24 cans, of rubbed sage at Brookhaven, Miss., alleging that the article had been shipped in interstate commerce on or about January 7, 1943, by the Canova Foods, Inc., Memphis, Tenn.; and charging that it was adulterated in that it contained rodent hairs and insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "Canova Brand Rubbed Sage."

On May 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

CANNED FRUITS

4803. Adulteration of canned sliced apples. U. S. v. 1,000 Cases of Canned Sliced Apples. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 9279. Sample No. 32002-F.)

This product was in part decomposed and fermented, and was undergoing chemical decomposition.

On February 1, 1943, the United States attorney for the Middle District of Tennessee filed a libel against 1,000 cases, each containing 6 No. 10 cans, of sliced fancy apples at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about December 30, 1941, by the Adams Apple Products Corporation from Bendersville, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Adams Maid Brand [Water Added] Seed Celled Sliced Fancy Apples."

On July 16, 1943, the Adams Apple Products Corporation, having theretofore filed an appearance but having failed to answer or proceed further, judgment of condemnation was entered and the product was ordered destroyed.

4804. Misbranding of canned cherries. U. S. v. 106 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 7573. Sample No. 61296-E.)

On May 29, 1942, the United States attorney for the District of Minnesota filed a libel against 106 cases, each containing 6 No. 10 cans, of cherries at Thief River Falls, Minn., alleging that the article had been shipped in interstate commerce on or about May 4, 1942, by the Spencer Packing Co. from Yakima, Wash.; and charging that it was misbranded. The article was labeled in part: (Cans) "Tradewell Brand Red Sour Pitted Charries Packed By Lebanon Fruit Growers Association, Lebanon, Oregon."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard since there was more than 1 pit present in each 20 ounces of canned cherries, the maximum permitted by the standard, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On October 5, 1942, the Spencer Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On January 12, 1943, 41 cans of the product having been found unfit for relabeling, the court ordered them destroyed.

4805. Misbranding of canned cherries. U. S. v. 388 Cases of Canned Cherries. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9479. Sample No. 24564-F.)

On March 3, 1943, the United States attorney for the District of Maryland filed a libel against 268 cases, each containing 6 cans, of cherries at Baltimore, Md. On March 26, 1943, the libel was amended to include an additional 120 cases of canned cherries. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about January 26, 1943, by the Empire State Pickling Co. from Phelps, N. Y.; and charged that it was misbranded. The article was labeled in part: (Cans) "Water Pack Silver Floss Brand Pitted Cherries Red Sour."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, and its quality fell below such standard since there was present more than 1 pit in each 20 ounces of cherries, and in that its label failed to bear a statement that it fell below such standard.

On April 20, 1943, A. J. Harris & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

DRIED FRUITS AND FRUIT PRODUCTS

4806. Adulteration of apple chops. U. S. v. 31 Bags of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 9446. Sample No. 20132-F.)

On February 26, 1943, the United States attorney for the District of Massachusetts filed a libel against 31 50-pound bags of apple chops at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 21, 1942, by Welkley Bros. from Albion, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy and decomposed substances, rodent excreta, rodent hairs, and worm-eaten and decayed apple chops.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4807. Adulteration of raisins. U. S. v. 200 Boxes and 20 Boxes of Raisins. Decrees of condemnation. Portion of product ordered released under bond to be denatured and disposed of for purposes other than human consumption; remainder ordered destroyed. (F. D. C. Nos. 8531, 9261. Sample Nos. 5630-F, 28295-F.)

Samples of this product were found to contain weevils, beetles, pupae, larvae, and insect excreta.

On October 6, 1942, and January 29, 1943, the United States attorneys for the Eastern District of Missouri and the Middle District of Georgia filed libels against 200 boxes of raisins at St. Louis, Mo., and 20 boxes of raisins at Columbus, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about December 12, 1941, to March 10, 1942, from Fresno, Calif., by the Sunland Sales Cooperative Association; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: "Sun-Maid Raisins * * * Sun-Maid Raisin Growers of California," or "Sun-Maid Bakery Type Thompson Seedless Raisins."

On February 17, 1943, the United Bakers Supply Co. of St. Louis, Mo., having appeared as claimant for the lot located there and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered

released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of for purposes other than human consumption. On March 1, 1943, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered destroyed.

4808. Adulteration of raisins. U. S. v. 24 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 8649. Sample No. 5827-F.)

This product contained beetles, larvae, and insect fragments.

On October 28, 1942, the United States attorney for the Western District of Tennessee filed a libel against 24 cases, each containing 25 pounds, of raisins at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by the Not-A-Seed Sales Co., of San Francisco, Calif., from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Del Ray Brand Midget Thompson Seedless Raisins."

On November 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4809. Adulteration of raisins. U. S. v. 33 Boxes of Raisins. Consent decree of condemnation. Product ordered released under bond to be denatured and disposed of for purposes other than human consumption. (F. D. C. No. 8530. Sample No. 5629-F.)

On October 6, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 33 25-pound boxes of raisins at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 15, 1941, from Locans, Calif., by the Bonner Packing Co.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, beetles, pupae, and larvae. The article was labeled in part: (Box) "Bonner Brand Fancy Sulphur Bleached Thompson Seedless Raisins."

On February 17, 1943, the United Bakers Supply Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration, and disposed of for purposes other than for human consumption.

4810. Adulteration of dried grape pomace. U. S. v. 200 Bags of Dried Grape Pomace. Consent decree of condemnation and destruction. (F. D. C. No. 9071. Sample No. 36842-F.)

This product had been stored after shipment under insanitary conditions, and when examined it contained rodent hair fragments, insects, insect larvae, cast skins, and insect fragments.

On or about December 30, 1942, the United States attorney for the Western District of Virginia filed a libel against 200 bags, containing 7,500 pounds, of dried grape pomace at Front Royal, Va., alleging that the article had been shipped on or about July 8, 1942, from Naples, N. Y., and that it was in possession of the Old Virginia Packing Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On January 13, 1943, the Old Virginia Packing Co., Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4811. Adulteration of prunes. U. S. v. 156 Cases of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 9281. Sample No. 7693-F.)

This product contained mites, insect excreta, and insect webbing.

On February 1, 1943, the United States attorney for the District of Minnesota filed a libel against 156 cases, each containing 25 pounds, of prunes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about August 9, 1942, by Guggenlime & Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pansy Brand California Santa Clara Prunes."

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FRUITS

Nos. 4812 to 4814 report the seizure and disposition of frozen strawberries found to be moldy, decomposed, or both.

4812. Adulteration of frozen strawberries. U. S. v. 83 Barrels of Frozen Strawberries. Consent decree of condemnation. Product ordered released under bond for segregating and destroying or denaturing the unfit portion. (F. D. C. No. 8926. Sample No. 17122-F.)

On November 27, 1942, the United States attorney for the Northern District of New York filed a libel against 83 barrels, each containing 440 pounds, of frozen strawberries at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1942, by the Borden Co., Everett, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 19, 1943, the Borden Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed or denatured under the supervision of the Food and Drug Administration.

4813. Adulteration of frozen strawberries. U. S. v. 18 Barrels of Frozen Strawberries. Tried to the court. Decree ordering release of 10 of the barrels and destruction of the remainder. (F. D. C. No. 9233. Sample No. 14952-F.)

On January 23, 1943, the United States attorney for the Southern District of California filed a libel against 18 485-pound barrels of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 21, 1942, by the Tacoma Ice Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "North Wind Packing Co., Inc., Sumner, Wash. Marshall Strawberries."

On April 21, 1943, the North Wind Packing Co., Inc., of Sumner, Wash., having appeared as claimant, the case came on for trial before the court without a jury. After hearing the evidence and arguments of counsel, the court entered a decree providing for the release of 10 of the barrels seized, (only 14 barrels were seized), and condemnation and destruction of the remainder.

4814. Adulteration of frozen strawberries. U. S. v. 71 Barrels of Frozen Strawberries. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9206. Sample No. 14919-F, 14924-F, 14946-F.)

On January 15, 1943, the United States attorney for the Southern District of California filed a libel against 71 barrels of strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 1942, by Cascade Frozen Foods, Inc., Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 19, 1943, Cascade Frozen Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. Reconditioning was accomplished by sorting out and destroying the bad portion.

OTHER FRUIT PRODUCTS

4815. Adulteration of strained apples and apricots. U. S. v. 11 Cases of Strained Apples and Apricots. Default decree of condemnation and destruction. (F. D. C. No. 9302, 9349. Sample Nos. 7955-F, 7977-F.)

This product contained insects, insect fragments, larvae fragments, and hairs resembling rodent hairs.

On February 3 and 9, 1943, the United States attorney for the District of Minnesota filed a libel against 11 cases, each containing 24 cans, of strained apples and apricots at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about December 15, 1942, and January 18, 1943, by the Larsen Co. from Green Bay, Wis., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Red & White Brand * * * Baby Food Strained Apples & Apricots * * * Red & White Corp'n Distributors, Chicago, Ill."

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4816. Adulteration of strained apples and apricots. U. S. v. 37 Cases of Strained Apples and Apricots. Default decree of condemnation and destruction. (F. D. C. No. 9349. Sample No. 7977-F.)

This product contained insect fragments, larvae, and larvae fragments.

On February 10, 1942, the United States attorney for the District of Minnesota filed a libel against 37 cases, each containing 24 cans, of strained apples and apricots at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about January 18, 1943, by the Larsen Co. from Green Bay, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Can) "Red & White * * * Baby Food Strained Apples & Apricots * * * Red & White Corp'n Distributors Chicago, Ill."

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4817. Misbranding of apple butter. U. S. v. Kuner-Empson Co. Plea of guilty. Fine, \$750. (F. D. C. No. 8805. Sample No. 88195-E.)

On February 26, 1943, the United States attorney for the District of Colorado filed an information against Kuner-Empson Co., a corporation at Brighton, Colo., alleging shipment on or about February 28, 1942, from the State of Colorado into the State of Texas, of a quantity of apple butter that was misbranded. The article was labeled in part: "Empson's Apple Butter * * * Packed by Empson Packing Co."

It was alleged to be misbranded in that it purported to be and was represented as apple butter, a food for which a definition and standard of identity had been promulgated pursuant to regulations as provided by law, and did not conform to such definition and standard of identity, since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent as required by such regulations. It was alleged to be misbranded further in that the statement "Apple Butter," borne on the label, was false and misleading, since the article did not conform with the standard and definition for apple butter.

On April 13, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750.

4818. Misbranding of apple butter. U. S. v. Delta County Canning Co. Plea of guilty. Fine, \$100. (F. D. C. No. 8804. Sample Nos. 14224-F, 14225-F.)

On February 26, 1943, the United States attorney for the District of Colorado filed an information against the Delta County Canning Co., a corporation, Delta, Colo., alleging shipment on or about April 6, 1942, from the State of Colorado into the State of Arizona, of quantities of apple butter that was misbranded. The article was labeled in part: "Town Talk * * * Apple Butter Contents 2 Lbs. (or "7 Lbs. 3 Oz.").

The article was alleged to be misbranded (1) in that it purported to be apple butter, a food for which a definition and standard of identity had been promulgated pursuant to regulations as provided by law, but did not conform to such definition and standard since it had not been concentrated by heat to such a point that the soluble solids content of the finished product was not less than 43 percent, as required by the regulations; (2) in that the statement "Apple Butter" on the label was false and misleading since the article did not conform with the standard and definition for apple butter; (3) in that the statements, "Contents 2 Lbs." and "Net Contents 7 Lbs. 3 Oz." borne on the cans were false and misleading, since the cans contained less than so declared; and (4) in that the article was in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On April 8, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each of the two counts, making a total fine of \$100.

4819. Adulteration and misbranding of cider vinegar. U. S. v. 20 Cases and 10 Cases of Cider Vinegar. Consent decree of condemnation. Product delivered to a Federal institution. (F. D. C. No. 9245. Sample No. 15845-F.)

On February 3, 1943, the United States attorney for the District of Wyoming filed a libel against 20 cases, each containing 12 quart bottles, and 10 cases, each containing 24 pint bottles, of vinegar, at Cheyenne, Wyo., alleging that the article had been transported in interstate commerce on or about December 10, 1942, from the Orchard Products Co., Denver, Colo.; and charging that it was adulterated

and misbranded. The article was labeled in part: (Bottles) "Old Valley Brand Cider Vinegar Reduced with water to 45 grain."

It was alleged that the article was adulterated (1) in that artificially colored, dilute acetic acid or distilled vinegar had been substituted wholly or in part for cider vinegar reduced with water to 45 grains; (2) in that its inferiority had been concealed by the use of artificial color; and (3) in that acetic acid or distilled vinegar and artificial color had been added to it or mixed or packed with it so as to reduce its quality or strength, or make it appear better or of greater value than it was.

The article was alleged to be misbranded (1) in that the statement "Cider Vinegar Reduced with water to 45 grain," appearing on the label, was false and misleading as applied to an artificially colored mixture of cider vinegar with dilute acetic acid or distilled vinegar; (2) in that it was offered for sale under the name of another food; and (3) in that it contained artificial coloring and failed to bear labeling stating that fact.

On February 13, 1943, the Orchard Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling. Subsequently, on February 20, 1943, the Orchard Products Co., having paid the costs of the action and having consented thereto, the product was ordered delivered to a Federal institution.

4820. Misbranding of mincemeat. U. S. v. 38 Cases of Mincemeat. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 9274. Sample No. 22635-F.)

This product was short weight.

On February 2, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 38 cases, each containing 12 jars, of mincemeat, at York, Pa., alleging that the article had been shipped in interstate commerce on or about January 4, 1943, by the Wood's Mince Meat Co. from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Jar) "Maryland Brand Mince Meat * * * Net Weight 2 Lb."

The article was alleged to be misbranded in that the statement "Net Weight 2 Lb.," appearing on the label, was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CANNED VEGETABLES

4821. Adulteration of red kidney beans. U. S. v. 500 Bags of Red Kidney Beans. Decree of condemnation. Product ordered released under bond conditioned that it should not be disposed of for human consumption. (F. D. C. No. 9314. Sample No. 23225-F.)

This product contained weevils.

On February 4, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 500 100-pound bags of red kidney beans at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, by Benjamin Girks from Lyons, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cockerel Brand * * * Red Kidney Beans Packed By Vanderveer and Coleman Inc. Lyons, N. Y."

On February 18, 1943, the Tidewater Grain Co. of Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned in part that it should not be disposed of for human consumption. It was ground and used for animal feeding purposes.

4822. Adulteration of canned cut beets. U. S. v. 31 Cases of Canned Cut Beets. Default decree of condemnation and destruction. (F. D. C. No. 9318. Sample No. 37903-F.)

On February 12, 1943, the United States attorney for the Northern District of Illinois filed a libel against 31 cases, each containing 24 cans, of cut beets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 31, 1942, by the Alton Canning Co., Inc., from Alton, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4823. Adulteration of canned corn. U. S. v. 220 Cases of Canned Corn. Default decree of condemnation and destruction. (F. D. C. No. 9234. Sample No. 33602-F.)

This product contained corn ear worms, corn ear worm fragments, insects, and insect fragments.

On January 25, 1943, the United States attorney for the Western District of New York filed a libel against 220 cases, each containing 24 cans, of corn at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about October 6, 1942, by the New Oxford Canning Co. from New Oxford, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Pine Cone Brand Cream Style White Sugar Corn * * * Albert W. Sisk and Son Distributors—Not Manufacturers Preston, Md. and Aberdeen, Md."

On March 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4824. Adulteration of canned mustard greens. U. S. v. 438 Cases of Canned Mustard Greens. Default decree of condemnation and destruction. (F. D. C. No. 9164. Sample No. 6074-F.)

On January 15, 1943, the United States attorney for the Western District of Arkansas filed a libel against 438 cases of canned mustard greens at Ozark, Ark., alleging that the article had been shipped in interstate commerce from Kansas City, Mo., and that it had been shipped to Kansas City by the Ozark Canning Co. on November 7, 1942, and was returned to the shipper on or about December 15, 1942, because of spoilage. It was labeled in part: "Pride of Ozark Brand Mustard Greens * * * Packed by Ozark Canning Co. Ozark, Ark."

The article was alleged to be adulterated in that it was under-processed and was undergoing progressive decomposition and consisted wholly or in part of a decomposed substance.

On April 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 4825 to 4830 represent actions involving canned peas that purported to be a food for which a standard of quality had been prescribed by law, but its quality fell below such standard because of higher alcohol insoluble solids than the maximum permitted by the standard, and its label failed to bear, in the manner and form that the regulations specify, a statement that it fell below the standard.

4825. Misbranding of canned peas. U. S. v. 298 Cases and 199 Cases of Canned Peas. Orders entered releasing product under bond for relabeling. (F. D. C. Nos. 8663, 8664. Sample Nos. 32702-F, 32703-F, 32706-F.)

On October 28, 1942, the United States attorney for the Western District of Kentucky filed 2 libels against a total of 497 cases, each containing 24 cans, of peas at Louisville, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about June 22 to October 6, 1942, by the Morgan-Adams Co., Inc., Cayuga, Ind.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Can) "Daisy brand * * * Early June Peas."

On December 11, 1942, the Morgan-Adams Co., Inc., claimant, having admitted the allegations of the libel, orders were entered releasing the product under bond for relabeling under the supervision of the Food and Drug Administration.

4826. Misbranding of canned peas. U. S. v. 991 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8727. Sample No. 25682-F.)

On November 7, 1942, the United States attorney for the Northern District of Alabama filed a libel against 991 cases, each containing 24 cans, of peas at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about August 14, 1942, by the Green Bay Canning Corporation, Green Bay, Wis.; and charging that it was misbranded in that it was below standard. The article was labeled in part: (Can) "TA-KO-MA Brand * * * Early Peas."

On February 22, 1943, the Ragland Brothers Co., Birmingham, Ala., having appeared as claimants and having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4827. Misbranding of canned peas. U. S. v. 1,066 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9418. Sample No. 13628-F.)

On February 25, 1943, the United States attorney for the District of Arizona filed a libel against 1,066 cases, each containing 24 cans, of peas at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about February 10, 1943, by R. D. Pringle & Co. from Cambria, Wis.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Little Farmer Brand * * * Large Sweet Peas."

On April 26, 1943, the Safeway Stores having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4828. Misbranding of canned peas. U. S. v. 547 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 6798. Sample No. 84082-E.)

On February 3, 1942, the United States attorney for the Northern District of New York filed a libel against 547 cases, each containing 24 cans, of peas at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about December 31, 1941, by the Greenmount Canning Co. from Greenmount, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Happy Meal Brand Run of Pod Early June Peas."

On May 14, 1943, the Greenmount Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4829. Misbranding of canned peas. U. S. v. 279 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9370. Sample No. 36955-F.)

On February 12, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 279 cases, each containing 24 cans, of peas at Culpeper, Va., alleging that the article had been shipped in interstate commerce on or about August 10, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Cans) "Sword Early June Peas * * * Nationally Distributed By Household Products Co. * * * Chicago."

The article was further alleged to be misbranded in that the statement "Sword foods are full flavored and fresh, conforming to the United States Government regulations for standard grade merchandise," borne on the label, was false and misleading since the article was of sub-standard quality. In addition to containing high alcohol-insoluble solids, more than 25 percent by count of the peas in the container were ruptured,

On March 12, 1943, the H. J. McGrath Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4830. Misbranding of canned peas. U. S. v. 600 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8398. Sample No. 17978-F.)

On September 28, 1942, the United States attorney for the Southern District of New York filed a libel against 600 cases, each containing 6 cans, of early June peas at New York, N. Y., which had been consigned by Albert W. Sisk, alleging that the article had been shipped in interstate commerce on or about August 28, 1942, from Baltimore, Md.; and charging that it was misbranded since it was below standard. The article was labeled in part: (Can) "Old Reliable Brand Early June Peas Packed by Lord-Mott Co. Inc Baltimore, Md."

In addition to charging violation of the standard of quality, the libel alleged that the article purported to be and was represented as a food for which a standard of fill of container had been prescribed, but fell below such standard of fill of container and its label failed to bear a statement that it fell below such standard.

On October 29, 1942, the Lord-Mott Co., Inc., of Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for proper relabeling under the supervision of the Food and Drug Administration.

4831. Action to restrain shipment in interstate commerce of adulterated canned pumpkin and squash. U. S. v. Salem County Cannery, Inc. Consent decree ordering permanent injunction. (Inj. No. 46.)

On December 29, 1942, the United States attorney for the District of New Jersey filed a complaint against the Salem County Cannery, Inc., a corporation, Clinton, N. J., alleging that from on or about October 14, 1942, up to the date of filing the complaint, the defendant had been preparing and packing pumpkin and squash under insanitary conditions whereby it might have become contaminated with filth and whereby it might have been rendered injurious to health; that said product so prepared and packed by the defendant consisted in whole or in part of a filthy substance, which was unfit for food and was adulterated in violation of the law; that it was being offered for interstate shipment at various intervals to various States outside the District of New Jersey; that various investigations and inspections showed insanitary conditions of the plant of defendant, and the defendant had been warned to remedy such conditions and not to ship products which were adulterated in violation of the law; and that despite such warning the defendant had failed to remedy the defects in its methods of operation and was continuously manufacturing, preparing, and packing adulterated canned pumpkin and squash. The complaint alleged further that immediate and irreparable loss and damage would ensue unless an injunction issue; and prayed that after proper notice a preliminary injunction issue, and that the preliminary injunction be made permanent after due proceedings.

On January 22, 1943, the defendant having consented to the entry of a decree, judgment was entered ordering that the defendant and all his representatives, officers, and agents, and all persons acting on his behalf be perpetually enjoined and restrained from shipping in interstate commerce adulterated pumpkin or squash which had been manufactured or would be manufactured by the defendant.

4832. Adulteration of canned pumpkin. U. S. v. 198 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. No. 9173. Sample No. 23146-F.)

On January 12, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 198 cases, each containing 24 cans, of pumpkin at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 22, 1942, by the Brakeley Canning Co. from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "Penn Treaty Brand Pumpkin * * * Packed for Quaker City Grocery Co., Inc. Phila., Penna."

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4833. Adulteration of canned pumpkin. U. S. v. 230 Cartons and 93 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 9155, 9212. Sample Nos. 23145-F, 44505-F.)

This product contained insect fragments and a portion also contained rodent-like hairs.

On January 7 and 19, 1943, the United States attorneys for the Eastern District of Pennsylvania and the Southern District of New York filed libels against 230 cartons of canned pumpkin at Philadelphia, Pa., and 93 cases of canned pumpkin at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about December 14 and 23, 1942, from Quinton, N. J., by Comley-Flanigen Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Seal Brand Pumpkin."

On January 22 and February 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4834. Adulteration of canned pumpkin. U. S. v. 95 Cases and 75 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 9210, 9211. Sample Nos. 44503-F, 44504-F.)

This product contained insect fragments.

On January 19, 1943, the United States attorney for the Southern District of New York filed libels against a total of 170 cases, each containing 6 cans, of pumpkin at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by Wm. E. Silver Sales Co.

from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cans) "White Rose Pumpkin Seeman Bros. Inc. Wholesale Distributors, New York, N. Y.," or "Supreme Brand Fancy Pumpkin * * * Wallace, Burton & Davis Co. Distributors New York, N. Y."

On March 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4835. Adulteration of canned sweet potatoes. U. S. v. 70 Cases of Canned Sweet Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 8865. Sample No. 12873-F.)

This product was unsterile and was undergoing progressive decomposition.

On November 17, 1942, the United States attorney for the Western District of Washington filed a libel against 70 cases, each containing 24 cans, of sweet potatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 15, 1942, by the Sales Officer, Quartermaster Corps, Camp Adair, Wellsdale, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Humboldt Brand Sweet Potatoes * * * Packed by L. H. Herndon Canning Co., Humboldt, Tennessee," or "Pine Grove Brand Sweet Potatoes * * * Packed by Pine Grove Canning Co. St. Martinville, La."

On April 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4836. Adulteration of sauerkraut. U. S. v. 377 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 9424. Sample No. 22011-F.)

On February 23, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 377 cases, each containing 12 jars, of sauerkraut at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 6, 1943, by the Vernon D. Price Vinegar Co. from Moundsville, W. Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Jars) "Great Lakes Sauer Kraut * * * Packed For Great Lakes Pickle Co. Pittsburgh, Pa."

On February 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4837. Adulteration of canned turnip greens. U. S. v. 661 Cases of Canned Turnip Greens. Default decree of condemnation and destruction. (F. D. C. No. 9172. Sample No. 9630-F.)

On January 13, 1943, the United States attorney for the Southern District of Alabama filed a libel against 661 cases of canned turnip greens at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about November 24, 1942, from Mission, Tex., by W. C. Bohannon Canning Co.; and charging that it was adulterated in that it contained insects and consisted wholly or in part of a filthy substance. The article was labeled in part: "Valley Rose Brand Turnip Greens Packed By Riona Products Co. Inc. McAllen, Texas."

On June 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

4838. Adulteration of canned tomatoes. U. S. v. 67 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 9441. Sample No. 7987-F.)

This product was undergoing active spoilage.

On February 26, 1943, the United States attorney for the District of Minnesota filed a libel against 67 cases of canned tomatoes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 30, 1942; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Stonewall Brand Tomatoes * * * Distributed by Griggs, Cooper & Co., St. Paul, Minn."

On April 5, 1943, Griggs, Cooper & Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be sold or otherwise disposed of in violation of the law. The unfit portion was segregated from the good portion and destroyed.

Nos. 4839 to 4849 report actions involving tomato products that were adulterated in that they contained mold, indicating the presence of decomposed material.

4839. Adulteration of tomato catsup. U. S. v. 438 Cases and 254 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 8919, 9062. Sample Nos. 3532-F, 7418-F.)

On or about November 24, 1942, and January 8, 1943, the United States attorneys for the Eastern District of Wisconsin and the District of Kansas filed libels against 438 cases, each containing 6 cans, of tomato catsup at Green Bay, Wis., and 254 cases, each containing 24 bottles, of catsup at Coffeyville, Kans., alleging that the article had been shipped in interstate commerce on or about September 26 and October 5, 1942, by the Frazier Packing Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Frazier's Tomato Catsup," (bottles) "Frazier's Superfine Tomato Catsup."

On January 18, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4840. Adulteration of tomato catsup. U. S. v. 48 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 9258. Sample No. 22587-F.)

On January 27, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 48 cases, each containing 4 1-gallon bottles, of tomato catsup at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 7, 1943, from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4841. Adulteration of tomato paste. U. S. v. John S. Mitchell, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 9680. Sample No. 38216-F.)

On August 19, 1943, the United States attorney for the Southern District of Indiana filed an information against John S. Mitchell, Inc., a corporation, Windfall, Ind., alleging shipment on or about December 4, 1942, from the State of Indiana into the State of Illinois of a quantity of tomato paste that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Liguria Brand * * * Tomato Paste Packed For Western Food Corporation Chicago, Illinois"

On September 10, 1943, a plea of guilty having been entered on behalf of the defendant, the Court imposed a fine of \$100.

4842. Adulteration of tomato paste. U. S. v. 324 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 9339. Sample No. 38216-F.)

On February 10, 1943, the United States attorney for the Northern District of Illinois filed a libel against 324 cases, each containing 100 cans, of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 14, 1942, by John S. Mitchell, Inc. from Greentown, Ind.; and charging that it was adulterated in that it consisted wholly or in part of decomposed tomato material. The article was labeled in part: (Cans) "Liguria Brand Tomato Paste Packed For Western Food Corporation Chicago, Illinois."

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4843. Adulteration of tomato paste. U. S. v. 94 Cases of Tomato Paste (and 5 additional seizure actions against tomato paste). Consolidated consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 3495, 3614, 3667, 3780, 3839, 3966. Sample Nos. 21580-E, 22024-E, 36766-E, 46179-E, 46621-E, 46622-E, 47403-E.)

Between December 9, 1940, and March 13, 1941, the United States attorneys for the District of New Jersey, the District of Rhode Island, the Eastern District of New York, the District of Massachusetts, and the Southern District of New York filed libels against 94 cases, each containing 100 cans, of tomato paste at Newark, N. J., 1,486 cases at Georgiaville, R. I., 791 cases at Brooklyn, N. Y., 408 cases at Boston, Mass., 999 cases at Passaic, N. J., and 99 cases at New York City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about November 5, 1940, to February 26, 1941, by Flotill Products, Inc.,

from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Flotta Brand," "Semaco Brand," "Three Trees Brand," "Lulu Brand," "Serto Brand," "La Perla Brand," or "Delsa Brand."

On April 4, 1941, no claimant having appeared for the lot located at New York, N. Y., a default decree of condemnation and destruction was entered. On April 28, 1941, on motion of Flotill Products Inc., claimant, an order was entered in the Eastern District of New York consolidating all of the cases except the case in southern New York, and on May 13, 1941, the default decree entered in that case was set aside, and on October 2, 1941, it was ordered consolidated with the other actions. On May 20, 1943, the claimant having consented to the entry of a decree and having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated and destroyed, or disposed of for purposes other than human consumption.

4844. Adulteration of tomato puree. U. S. v. 211 Cases, 36 Cases, and 21 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9082. Sample No. 1883-F.)

On January 7, 1943, the United States attorney for the Northern District of Illinois filed a libel against 268 cases, each containing 48 cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 11, 1942, by the Paulding Packing Co., Paulding, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Sincerity Brand Tomato Puree Packed for Banner Wholesale Gro., Inc., Chicago, Ill."

On March 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4845. Adulteration of tomato puree. U. S. v. 100 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9100. Sample No. 1884-F.)

On January 7, 1943, the United States attorney for the Northern District of Illinois filed a libel against 100 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 28, 1942, by the Caar Canning Co., from Red Key, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4846. Adulteration of tomato puree. U. S. v. 999 Cases of Tomato Puree. Decree of condemnation. Product ordered released under bond for salvaging under the supervision of the Food and Drug Administration. (F. D. C. No. 8888. Sample No. 4450-F.)

On November 17, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 999 cases, each case containing 48 cans, of tomato puree at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about October 7, 1942, by the Butterfield Canning Co., from Muncie, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Butterfield Brand Tomato Puree."

On May 18, 1943, the Butterfield Canning Co., having appeared as claimant and having admitted that a material part of the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that no part be used for human consumption except such portion as the Food and Drug Administration should determine to be fit for such purpose.

4847. Adulteration of tomato puree. U. S. v. 137 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9208. Sample No. 1898-F.)

On January 20, 1943, the United States attorney for the Northern District of Illinois filed a libel against 137 cases, each containing 6 No. 10 cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 11, 1942, by the Lutz Canning Co. from Arcanum, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4848. Adulteration of tomato puree. U. S. v. 394 Cases of Tomato Purce. Default decree of condemnation. Portion of product fit for human consumption ordered delivered to a charitable institution and the remainder ordered destroyed. (F. D. C. No. 9275. Sample Nos. 11082-F, 13531-F.)

On February 1, 1943, the United States attorney for the District of Oregon filed a libel against 394 cases, each containing 6 cans, of tomato puree at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6, 1943, by Encinal Terminals from Alameda, Calif., for the D. J. Pulis Co. of San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Can) "Sun Country Brand Tomato Puree."

On March 12, 1943, no claimant having appeared, judgment of condemnation was entered and it was ordered that the fit portion be separated from the unfit portion and that the former be delivered to a charitable organization and the latter destroyed.

4849. Adulteration of tomato puree. U. S. v. 240 5-Gallon Cans of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 7118. Sample No. 57874-E.)

On March 30, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 240 unlabeled 5-gallon cans of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 10, 1941, by the Smith Canning Co. from Clearfield, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1941, the Smith Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

NUTS AND NUT PRODUCTS

Nos. 4850 to 4853, incl., report the seizure and condemnation of nut meats alleged to be contaminated with *Escherichia coli*.

4850. Adulteration of pecan meats. U. S. v. 220 Packages of pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 9120. Sample No. 36911-F.)

On January 2, 1943, the United States attorney for the District of Maryland filed a libel against 220 packages, each containing 4 ounces, of pecan meats, at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 12, 1942, by Strickland Bros. Co., from Blackshear, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, *Esch. coli*.

On February 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4851. Adulteration of pecan meats. U. S. v. 5 Cartons of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 9192. Sample No. 7100-F.)

On January 14, 1943, the United States attorney for the Southern District of Illinois filed a libel against 5 30-pound cartons of pecan meats at Granite City, Ill., alleging that the article had been shipped in interstate commerce on or about October 8, 1942, by Missouri Pecan Shelling Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, *Esch. coli*.

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4852. Adulteration of black walnut meats. U. S. v. 130 Pounds and 8 Boxes of Black Walnut Meats. Default decrees of condemnation and destruction. (F. D. C. Nos. 9107, 9223. Sample Nos. 6112-F, 6583-F.)

In addition to contamination with *Esch. coli*, this product contained rodent hairs, and insect parts.

On December 31, 1942, and January 20, 1943, the United States attorneys for the Southern and Eastern Districts of Illinois filed libels against 130 pounds of black walnut meats at Quincy, Ill., and 8 boxes, each containing 5 pounds, of black walnut meats at Belleville, Ill., alleging that the article had been shipped in interstate commerce on or about December 11 and 16, 1942, by the Mound City Shelled

Nut Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, *Esch. coli*, and in that it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

On March 18 and April 8, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4853. Adulteration of black walnut kernels. U. S. v. 1 Bag of Black Walnut Kernels. Default decree of condemnation and destruction. (F. D. C. No. 9228. Sample No. 24904-F.)

On January 22, 1943, the United States attorney for the District of Maryland filed a libel against 1 63-pound bag of black walnut kernels at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 4, 1943, by Floyd Becknell from Island City, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, *Esch. coli*.

On February 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 4854 to 4859 (also No. 4852) report actions involving nut meats, samples of which were found to be adulterated by various types of filth, such as mold, worms, webbing, and insect excreta.

4854. Adulteration of walnut meats. U. S. v. Morris Rosenberg. Plea of guilty. Fine, \$75. (F. D. C. No. 9633. Sample Nos. 12464-E, 61298-E, 85677-E.)

On May 20, 1943, the United States attorney for the Southern District of California filed an information against Morris Rosenberg at Los Angeles, Calif., alleging shipment within the period from on or about May 7 to December 22, 1942, from the State of California into the State of Washington of a quantity of walnut meats that were adulterated in that they consisted in whole or in part of filthy substances.

On June 14, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25 on each of the 3 counts in the information, or a total of \$75.

4855. Adulteration of walnut meats. U. S. v. 20 Cartons and 99 Cases of Walnut Meats. Decrees of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 9405, 9711. Sample Nos. 13283-F, 14736-F.)

On February 20 and March 26, 1943, the United States attorneys for the District of South Dakota and the Western District of Washington filed libels against 20 25-pound cartons of walnut meats at Rapid City, S. Dak., and 99 25-pound cases of walnut meats at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about February 9 and March 4, 1943, by Granton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Light Amber Grade Shelled Walnuts * * * Packed for Black Hills Wholesale Groc. Rapid City So Dakota," or "Packed for West Coast Groc., Tacoma, Wash."

On March 20 and April 30, 1943, Granton & Co., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

4856. Adulteration of walnut meats. U. S. v. 40 Cartons and 16 Cases of Walnut Meats. Consolidated decree of condemnation. Product ordered released under bond for disposition in compliance with the law. (F. D. C. Nos. 9231, 9236. Sample Nos. 13261-F, 13265-F.)

On January 27 and February 1, 1943, the United States attorney for the Western District of Washington filed libels against 40 cartons, each containing 25 pounds, of walnut meats at Seattle, Wash., and 16 cases, each containing 25 pounds, of walnut meats at Everett, Wash., alleging that the article had been shipped in interstate commerce on or about November 10 and December 5, 1942, by the Pacific Coast Nut House from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On February 4, 1943, the Pacific Coast Nut House having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

4857. Adulteration of walnut meats. U. S. v. 74 Cases of Walnut Meats (and 3 additional seizure actions against walnut meats). Consent decrees of condemnation. Product ordered released under bond for salvage of the good portion and destruction of the unfit portion. (F. D. C. Nos. 9259, 9303, 9315, 9487. Sample Nos. 18513-F, 18522-F, 37738-F, 37742-F).

On February 3 and March 5, 1943, the United States attorneys for the Northern District of Illinois and the Southern District of New York filed libels against 111 25-pound cases of walnut meats at Chicago, Ill., and 160 25-pound cases of walnut meats at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 20, 1942, by the Fullerton Walnut Packing Co., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part: "Mission Brand California Shelled Walnuts."

On February 17 and April 8, 1943, the Fullerton Walnut Packing Co., having appeared as claimant for the portion of the product located at Chicago and one of the lots located at New York, N. Y.; and the Consolidated Syrup Corporation, New York, N. Y., having appeared as claimant for the other lot at New York, N. Y., and the claimants having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for salvaging the good portion and destruction of the unfit portion.

4858. Adulteration of black walnut kernels. U. S. v. 2 Cases of Black Walnut Kernels. Default decree of condemnation and destruction. (F. D. C. No. 9372. Sample No. 24181-F.)

On January 13, 1943, the United States attorney for the District of Columbia filed a libel against 2 30-pound cases of black walnut kernels at Washington, D. C., alleging that the article had been shipped on or about December 9, 1942, by the J. R. Tranbarger Produce & Feed Co. from Kingsport, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4859. Adulteration of pecan meats. U. S. v. 14 Cases of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 9472. Sample No. 30697-F.)

On March 2, 1943, the United States attorney for the District of Oregon filed a libel against 14 60-pound cases of pecan meats at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 5, 1941, by the Fisher Pecan Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4860. Adulteration and misbranding of nut meats. U. S. v. 172 Cards, Each Containing 12 Bags, of Nut Meats. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 9447. Sample No. 23407-F.)

This product contained an appreciable amount of pumpkin seeds. It was also short of the declared weight.

On February 25, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 16, 1943, by the Golden Brand Nut Products, Inc., from New York City, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bags) "Fresh Shelled Golden Brand * * * Nut Meats Net Weight 1¼ Ounces." A light pencil mark had been drawn through the "1¼" without making a correct declaration.

The article was alleged to be adulterated in that pumpkin seeds had been substituted wholly or in part for nut meats, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Nut Meats" was false and misleading as applied to an article consisting in part of pumpkin seeds; (2) in that the statement, "Net Weight 1¼ Ounces or over when packed," was false and misleading as applied to an article that was short-weight, and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

4861. Adulteration of Brazil nuts. U. S. v. 4 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 8989. Sample No. 28740-F.)

On December 10, 1942, the United States attorney for the Western District of North Carolina filed a libel against 4 100-pound bags of Brazil nuts at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about October 16, 1942, by the General Foods Sales Co., Inc., from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "King Cole Brites large Brazil Nuts. Distributed by Baker-Bennett-Day Division of General Foods Sales Co., Inc."

On January 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4862. Adulteration of nuts. U. S. v. 100 Bags of Brazil Nuts and 60 Cartons of Mixed Nuts. Decrees of condemnation. Mixed nuts ordered destroyed. Brazil nuts ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 8881, 9072. Sample Nos. 18129-F, 28753-F.)

On November 16 and December 28, 1942, the United States attorneys for the District of New Jersey and the Western District of North Carolina filed libels against 100 bags, each containing 100 pounds, of Brazil nuts at South Kearny, N. J., and 60 cartons, each containing 25 pounds, of mixed nuts at Charlotte, N. C., alleging that the articles had been shipped in interstate commerce on or about October 8 and November 25, 1942, by the W. A. Camp Co., Inc., New York, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of a filthy and decomposed substance. The articles were labeled in part: "Tropical Brand New Crop Large Washed Brazils," or "Competition Brand Mixed Nuts."

On January 28, 1943, Wm. A. Camp Co., Inc., claimant for the Brazil nuts, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit and destruction of the latter.

On February 5, 1943, no claimant having appeared for the mixed nuts, judgment of condemnation was entered and the product was ordered destroyed.

4863. Adulteration of peanuts. U. S. v. 146 Bags and 191 Bags of Peanuts. Decree of condemnation. Product ordered released under bond for segregation of the portion unfit for human consumption and its utilization as animal feed. (F. D. C. Nos. 9186, 9207. Sample Nos. 28687-F, 28688-F.)

This product was decomposed, rancid, and wormy, and contained dirty peanuts and foreign material.

On or about January 20, 1943, the United States attorney for the Southern District of Florida filed libels against a total of 337 125-pound bags of peanuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about December 14, and 21, 1942, by the Ashburn Peanut Co. from Ashburn, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On February 3, 1943, the Ashburn Peanut Co., claimant, having admitted the allegations of the libels, a consolidated decree of condemnation was entered and the product was ordered released under bond for segregation of the portion fit for human consumption from the portion unfit for such use, and disposal of the latter as animal feed.

4864. Adulteration of peanuts. U. S. v. 27 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for reconditioning or destruction. (F. D. C. No. 9484. Sample No. 32016-F.)

On March 4, 1943, the United States attorney for the Southern District of Indiana filed a libel against 27 100-pound bags of peanuts at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about December 16, 1942, from Fort Gaines, Ga., and that it was in the the possession of Food Specialties, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, rodent excreta, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On April 3, 1943, Food Specialties, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law or destroyed under supervision of the Food and Drug Administration.

4865. Adulteration of shelled peanuts. U. S. v. 283 Bags of Peanuts (29,718 pounds). Consent decree of condemnation. Product ordered released under bond for extraction of the oil. (F. D. C. No. 9494. Sample No. 18595-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 283 105-pound bags of shelled peanuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 15, 1942, by the Columbian Peanut Co. from Tarboro, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect excreta and webbing.

On March 26, 1943, J. W. Beardsley's Sons of Newark, N. J., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for extraction of the oil under the supervision of the Food and Drug Administration.

4866. Adulteration of shelled peanuts. U. S. v. 5 Bags of Shelled Peanuts (525 pounds). Consent decree of condemnation. Product ordered released under bond for extraction of the oil. (F. D. C. No. 9496. Sample No. 18597-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 5 105-pound bags of shelled peanuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 21, 1942, by the Williamston Peanut Co., Inc., from Williamston, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect excreta and webbing.

On March 26, 1943, J. W. Beardsley's Sons of Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for extraction of the oil, under the supervision of the Food and Drug Administration.

4867. Adulteration of shelled peanuts. U. S. v. 114 Bags of Shelled Peanuts (1,140 pounds). Consent decree of condemnation. Product ordered released under bond for extraction of the oil. (F. D. C. No. 9495. Sample No. 18596-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 114 10-pound bags of shelled peanuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 26, 1943, by the Suffolk Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect excreta and webbing.

On March 26, 1943, J. W. Beardsley's Sons of Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for extraction of the oil under the supervision of the Food and Drug Administration.

4868. Adulteration of peanut butter. U. S. v. Millard-United Company. Plea of nolo contendere. Fine, \$150 and costs. (F. D. C. No. 8814. Sample Nos. 71270-E, 76827-E, 508-F.)

This product contained beetle fragments, sand, insect fragments, and trash (such as wood fragments, stems, and shell fragments).

On March 20, 1943, the United States attorney for the Northern District of Illinois filed an information against the Millard-United Company, a corporation, at Chicago, Ill., alleging shipment within the period from on or about February 27 to August 31, 1942, from the State of Illinois into the States of Wisconsin and Iowa of a quantity of peanut butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "3 Star Brand * * * Peanut Butter," "Del Haven Uniform Quality Peanut Butter * * * Packed for Federated Foods, Inc. San Francisco and Chicago," or "Brownie Brand * * * Energized Peanut Butter."

On April 27, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150 and costs.

4869. Adulteration and misbranding of peanut butter. U. S. v. Producers Peanut Co., Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 6919. Sample Nos. 24517-F, 28731-F.)

This product contained insect fragments, rodent hair fragments, rodent pellet fragments, and dirt, and portions were short weight.

On April 21, 1943, the United States attorney for the Eastern District of Virginia filed an information against the Producers Peanut Co., Inc., Suffolk, Va., alleging shipment on or about September 29 and October 20, 1942, from the State of Virginia into the States of Maryland and North Carolina, of quantities of peanut butter that was adulterated and misbranded. Portions of the article were contained in jars labeled in part: "Producers netwt. 1 lb. 8 oz.," "Net Wt. 1 Lb.," "Net Wt. 12 oz.," or "8 Oz. Net. * * * Jo-Jo Brand Peanut Butter." The remainder was contained in drums labeled in part: "Jo-Jo Peanut Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

That portion shipped into the State of North Carolina was alleged to be misbranded in that the statements "Netwt. 1 lb. 8 Oz.," "Net Wt. 1 Lb.," or "Net Wt. 12 Oz.," borne on a number of the jars were false and misleading since the jars contained less than represented, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 19, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

4870. Adulteration and misbranding of peanut butter. U. S. v. 74 Cases and 58 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 8848, 9601. Sample Nos. 19389-F, 28731-F.)

This product was short weight and a portion contained insect fragments.

On November 12, 1942, and March 24, 1943, the United States attorneys for the Western District of North Carolina and the District of Massachusetts filed libels against 74 cases of peanut butter at Charlotte, N. C., and 58 cases of peanut butter at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about September 29, 1942, and February 5, 1943, by the Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was adulterated and misbranded. The article was labeled in part: "Producers Jo-Jo Brand Peanut Butter. * * * Net. Wt. 1 Lb. 8 Oz. (or "8 Oz.," "12 Oz.," or "1 Lb.")," or "Armour's Star Peanut Butter * * * 6 Oz. Avoir. Net. * * * Armour and Company Distributors."

The Jo-Jo Brand was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. Both brands were alleged to be misbranded in that they were in package form and failed to bear a label containing an accurate statement of the quantity of their contents. The lot located at Fall River, Mass., was alleged to be misbranded further in that the statement, "6 Oz. Avoir. Net," appearing on the label was false and misleading when applied to an article that was short weight.

On January 22 and May 17, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The short-weight lot was delivered by the marshal to a charitable institution.

4871. Misbranding of Peanut Crush (peanut butter). U. S. v. 616 Cases and 354 Cases of "Peanut Crush." Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9083. Sample No. 13062-F.)

This product was short of the declared weight.

On or about January 11, 1943, the United States attorney for the District of Oregon filed a libel against 616 cases, each containing 12 jars, and 354 cases, each containing 24 jars, of "Peanut Crush" at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 16 and November 10, 1942, by John A. McGregor Co., Inc., from Seattle, Wash.; and charging that it was misbranded. The article was labeled in part: "Dennison's Peanut Crush * * * Butler Packing Co., Seattle."

The article was alleged to be misbranded in that it failed to bear a label containing an accurate statement of the quantity of the contents, and in that the statements "Net Wt. 1½ Lbs.," "1½ Lbs. Net Wt.," and "Net Weight 1 Lb." borne on the labels were false and misleading as applied to an article that was short weight.

On January 20, 1943, John A. McGregor Co., Inc., and the Butler Packing Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

OILS

4872. Adulteration and misbranding of olive oil. U. S. v. Peter J. DeVine. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 6426. Sample No. 40474-E.)

On May 8, 1942, the United States attorney for the District of Delaware filed an information against Peter J. DeVine, Wilmington, Del., alleging shipment on or about May 29, 1941, from the State of Delaware into the State of Pennsylvania of a quantity of olive oil that was adulterated and misbranded.

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the following statements in the labeling, "Imported Pure Olive Oil," "This Olive Oil is guaranteed to be Absolutely Pure Under any Chemical Analysis," "Italian Product Imported Virgin Olive Oil Superfine Brand Lucca Italy," and similar statements in Italian, were false and misleading when applied to an article consisting essentially of cottonseed oil, and containing little if any olive oil; (2) in that it was offered for sale under the name of another food, olive oil; (3) in that it was food in package form and its label failed to bear the name and place of business of the manufacturer, packer, or distributor; (4) in that the words, statements, and other information required by or under authority of law to appear on the label or labeling were not placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the labeling contained representations in the Italian language and by reason thereof it purported to be prepared for Italian purchasers and the words, statements, and other information required by law to appear on the label or labeling did not appear thereon in the Italian language; and (5) in that the label failed to bear the common or usual name of the article, i. e., cottonseed oil.

On October 15, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$50.

4873. Adulteration and misbranding of oil. U. S. v. 36 Cartons of Oil (and 2 additional seizure actions against oil). Decrees of condemnation. One lot ordered released under bond to be relabeled. Remaining lots ordered sold. (F. D. C. Nos. 8670, 8866, 8884. Sample Nos. 17416-F to 17418-F, incl., 18667-F to 18669-F, incl., 18671-F.)

These products were artificially colored and, in most instances, artificially flavored imitations of olive oil. Portions were labeled as olive oil.

On October 30 and November 19 and 20, 1942, the United States attorney for the District of Connecticut filed libels against 130 1-gallon cans of a product labeled "Olive Oil," and 230 1-gallon cans of a product labeled "Exquisite Oil" or "Fine Oil," in various lots at Bethany, Waterbury, and New Britain, Conn., respectively, alleging that the articles had been shipped in interstate commerce within the period from on or about August 8 to October 17, 1942, by Pasquale Cerosuolo from New York, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part: (Cans) "Roberta Brand Pure Olive Oil," "Puglia Brand Superfine Pure Olive Oil," "Pulcella Brand Guaranteed Pure Olive Oil," "Gioia Mia Brand Exquisite Oil Packed by Import Oil Co. New York, N. Y.," or "Extra Fine Oil Gioiosa Brand."

The lots labeled "Olive Oil" were alleged to be adulterated in that an oil or oils other than olive oil, artificially colored and in most instances artificially flavored, had been substituted wholly or in part for olive oil, which they purported to be. All of the lots of oil were alleged to be adulterated (1) in that inferiority had been concealed by the addition of artificial color, and, in most lots, artificial flavor; and (2) in that artificial color and, in most lots, artificial flavor had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were.

The portions of the product labeled "Olive Oil" were alleged to be misbranded (1) in that statements and designs in the labeling, which represented and suggested that they consisted of olive oil, were false and misleading since they did not consist of olive oil, but did consist essentially of oils other than olive oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated. Portions of the oil labeled "Olive Oil" were alleged to be misbranded further in that they were in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or

distributor. All lots of the oil were alleged to be misbranded in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient; and (3) in that they contained artificial coloring and, in most instances, artificial flavoring, and failed to bear labeling stating those facts.

On March 16 and 20, 1943, no claimant having appeared for the lots located at Waterbury or New Britain, Conn., judgments of condemnation were entered and the product was ordered sold after being repackaged and relabeled by the purchaser as "Imitation Olive Oil," under the supervision of the Food and Drug Administration.

On April 24, 1943, Pasquale Cerosuolo, having appeared as claimant for the lot located at Bethany, Conn., judgment of condemnation was entered and the product was ordered released under bond for relabeling and repackaging under the supervision of the Food and Drug Administration.

4874. Misbranding of oil. U. S. v. 49½ Cases of Oil (and 2 additional seizure actions against oil). Decrees of condemnation. Product ordered released under bond for repacking. (F. D. C. Nos. 8599, 8600, 8601. Sample Nos. 4481-F, 4482-F, 4484-F.)

On November 21, 1942, the United States attorney for the Southern District of Ohio filed libels against a total of 72½ cases, each containing 6 cans, of oil at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 13 and July 28, 1942, by the Western Food Corporation, from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Main panels) "One Gallon Liguria Superfine Brand * * * 80% vegetable oil and 20% of Pure Virgin Olive Oil" (Design of Medals). The article was alleged to be misbranded (1) in that the word "Liguria" which is the name of an Italian province, the prominent statement "Pure Virgin Olive Oil," and the design of medals were false and misleading since they created the impression that the article was a foreign product; (2) and in that it was in package form and it failed to bear a label containing an accurate statement of the quantity of the contents (the cans contained less than 1 gallon); (3) in that it was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (4) in that the label contained certain representations in a foreign language, Italian, but failed to contain in such language all the words, statements, and information required by or under said law to appear on the label.

On November 30, 1942, the Western Food Corp., having appeared as claimants and having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond for repacking in other containers under the supervision of the Food and Drug Administration.

4875. Misbranding of olive oil. U. S. v. 8 Cases of Olive Oil. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9390. Sample No. 15933-F.)

This product was short-volume.

On or about February 26, 1943, the United States attorney for the District of Colorado filed a libel against 8 cases, each containing 24 cans, of olive oil, at Denver, Colo., which had been shipped by J. Ossola Co., Inc., alleging that the article had been shipped in interstate commerce on or about January 15, 1943, from New York City, N. Y.; and charging that it was misbranded. The article was labeled in part: (Cans) "Net Contents One Pint Finest Sublime Torino Brand 100% Pure Olive Oil."

The article was alleged to be misbranded in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 19, 1943, the J. Ossola Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

POULTRY AND POULTRY PRODUCTS

Nos. 4876 to 4886 report cases involving shipments of poultry, samples of which were found to be adulterated because they were decomposed, bruised, emaciated, diseased, discolored, had died otherwise than by slaughter, or evidenced several of these types of unfitness.

4876. Adulteration of dressed poultry. U. S. v. Benjamin Weiner and Julius Weiner (Marshall Produce Co.). Pleas of guilty. Each defendant fined \$500. (F. D. C. No. 7212. Sample Nos. 31246-E, 31247-E.)

This case was based upon interstate shipments of poultry, samples of which were found to be diseased, emaciated, bruised, and discolored in the abdominal walls and thorax.

On September 18, 1942, the grand jurors of the United States in and for the District of Minnesota presented an indictment against Benjamin Weiner and Julius Weiner, trading as the Marshall Produce Co. at Marshall, Minn., charging shipment within the period from on or about November 30, 1940, to February 6, 1941, from the State of Minnesota into the State of Illinois of quantities of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

The indictment charged further that prior to such shipment, on or about November 16, 1940, the defendants had been convicted in the District Court for the District of Minnesota of a similar offense in the shipment from the State of Minnesota into the State of New York on or about August 19, 1939, of a quantity of poultry which was adulterated.

On February 4, 1943, pleas of guilty having been entered, the court imposed a fine of \$500 against each defendant.

4877. Adulteration of poultry. U. S. v. Jerpe Commission Co., Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 7751. Sample No. 22502-F.)

On December 11, 1942, the United States attorney for the District of Nebraska filed an information against the Jerpe Commission Co., Inc., Omaha, Nebr., alleging shipment on or about June 27, 1942, from the State of Nebraska into the State of Pennsylvania of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "(T) Fowl," "(T) Springs," or "(T) Springs Turkeys Pearl Brand."

On March 12, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

4878. Adulteration of poultry. U. S. v. The Seymour Packing Co. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 8787. Sample Nos. 94078-E, 5741-F.)

On March 25, 1943, the United States attorney for the District of Kansas filed an information against the Seymour Packing Co., a corporation, Topeka, Kans., alleging delivery for shipment on or about April 21, 1942, from the State of Kansas into the State of Missouri of a quantity of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On April 12, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

4879. Adulteration of poultry. U. S. v. William Boyd Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 7240. Sample No. 62451-E.)

On June 26, 1942, the United States attorney for the Eastern District of Oklahoma filed an information against William Boyd Pruitt, trading as Pruitt Produce Co., Muskogee, Okla., alleging shipment on or about December 31, 1941, from the State of Oklahoma into the State of Illinois of a quantity of poultry that was adulterated (1) in that it consisted in whole or in part of a putrid and decomposed substance; (2) in that it was in part the product of diseased animals; and (3) in that it was in part the product of diseased animals that had died otherwise than by slaughter.

On January 30, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

4880. Adulteration of poultry. U. S. v. 287 Boxes and 513 Boxes of Poultry. Consent decrees of condemnation. Product ordered released under bond for segregating and denaturing the unfit portion. (F. D. C. Nos. 9510, 9573. Sample Nos. 22022-F, 22024-F to 22026-F, incl.)

On March 8 and 16, 1943, the United States attorney for the Western District of Pennsylvania filed libels against a total of 800 boxes of poultry, each box containing 12 birds, at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about September 12, 1942, to February 9, 1943, by the F. M. Stamper Co. from St. Louis and Moberly, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, and that it was in whole or in part the product of diseased animals.

On April 14, 1943, the F. M. Stamper Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and denaturing of the unfit portion for non-food use, under the supervision of the Food and Drug Administration.

4881. Adulteration of dressed poultry. U. S. v. 8 Barrels of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 8983. Sample No. 2337-F.)

On November 24, 1942, the United States attorney for the Northern District of Illinois filed a libel against 8 barrels of poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by D. C. Hader from Kansas City, Mo., and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4882. Adulteration of turkeys. U. S. v. The Peter Fox Sons Company. Plea of guilty. Fine, \$25. (F. D. C. No. 8799. Sample No. 2338-F.)

On February 13, 1943, the United States attorney for the District of South Dakota filed an information against the Peter Fox Sons Co., a corporation, at Watertown, S. Dak., alleging shipment on or about November 10, 1942, from the State of South Dakota into the State of Illinois of a quantity of turkeys that were adulterated in that they consisted in whole or in part of decomposed substances and were otherwise unfit for food, and in that they were in whole or in part the product of diseased animals.

On April 9, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

4883. Adulteration of turkeys. U. S. v. 1. Barrel of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 9022. Sample No. 2343-F.)

On December 2, 1942, the United States attorney for the Northern District of Illinois filed a libel against 1 barrel of turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by J. L. Lunsford from Winfield, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and of poultry which had died otherwise than by slaughter.

On January 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4884. Adulteration of turkeys. U. S. v. 5 Barrels of Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 9079. Sample No. 17631-F.)

On December 30, 1942, the United States attorney for the Southern District of New York filed a libel against 5 barrels of turkeys at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 17, 1942, by the Langenfeld Ice Cream Co., Eureka, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4885. Adulteration of turkeys. U. S. v. 1 Barrel of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 9012. Sample No. 2336-F.)

On November 24, 1942, the United States attorney for the Northern District of Illinois filed a libel against 1 barrel of turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 5, 1942, by H. A. Sackreiter from Lewiston, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4886. Adulteration of turkeys. U. S. v. 5 Barrels of Dressed Turkeys. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8984. Sample No. 2338-F.)

On November 24, 1942, the United States attorney for the Northern District of Illinois filed a libel against 5 barrels of dressed turkeys at Chicago, Ill.,

alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Peter Fox Sons Co., Watertown, S. Dak.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On March 17, 1943, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation, under the supervision of the Food and Drug Administration, of the fit portion from the unfit portion and destruction of the latter.

4887. Adulteration of chicken fat. U. S. v. 40 Tubs of Chicken Fat. Consent decree of condemnation. Product ordered released under bond for denaturing for use in the making of soap. (F. D. C. No. 8986. Sample No. 17624-F.)

This product was decomposed and contained pieces of liver, sections of muscle, sections of intestines containing fecal material, and internal organs of fowls.

On December 10, 1942, the United States attorney for the Southern District of New York filed a libel against 40 tubs, each containing about 60 pounds, of raw chicken fat at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1942, by H. A. Whelan, Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 23, 1943, the E. M. Niles Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured so that it could not be used for food, but could be used as a base for soap.

4888. Adulteration of chicken fat. U. S. v. 30 Tubs of Chicken Fat. Consent decree of condemnation. Product ordered released under bond for rendering into base for soap. (F. D. C. No. 8911. Sample No. 18867-F.)

This product contained pieces of tissue other than fat, particles of liver, feathers, and sections of intestines containing fecal matter, and was undergoing decomposition.

On November 25, 1942, the United States attorney for the Southern District of New York filed a libel against 30 tubs, each containing about 65 pounds, of raw chicken fat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 9, 1942, by E. M. Niles & Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 23, 1943, E. M. Niles & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured so that it could not be used for food, but could be used as a base for soap.

4889. Adulteration and misbranding of canned boneless chicken. U. S. v. 25 Cases of Canned Chicken. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9243. Sample No. 11040-F.)

The drained weight of this product was 74.7 percent of the net weight of the entire contents, whereas the drained weight of canned chicken should be 90 percent of the net weight.

On January 26, 1943, the United States attorney for the Northern District of California filed a libel against 25 cases, each containing 30 cans, of chicken meat at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the Washington Poultry Products Co. from Redmond, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "White Rock Brand Boneless Chicken."

The article was alleged to be adulterated in that a substance, boneless chicken containing excessive broth, had been substituted wholly or in part for boneless chicken, which it purported to be.

It was alleged to be misbranded in that its container was so filled as to be misleading, since it did not contain the quantity of chicken meat to be expected, less than 90 percent of meat being present.

On February 26, 1943, the J. M. Springer Co. of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

GIFT PACKAGES OF FOOD

Nos. 4890 to 4899 detail actions involving gift packages of food. These packages were misbranded because of one or more of the following: Deceptive packaging, short weight, and inaccurate labeling.

4890. Misbranding of gift packages of food. U. S. v. Albert Newberg (A. Newberg & Co.) Plea of guilty. Fine, \$1,000 and 4 months in jail. (F. D. C. No. 8822. Sample Nos. 7760-F, 7934-F, 8855-F, 8858-F, 8860-F, 9027-F, 9570-F, 9760-F, 13252-F, 19539-F, 18692-F, 32697-F.)

On April 1, 1943, the United States attorney for the Eastern District of New York filed an information against Albert Newberg, an individual, trading and doing business as A. Newberg & Co. New York, N. Y., alleging shipment on or about November 20, 1942, from the State of New York into the State of Louisiana of a quantity of gift packages, each package containing a tray containing an assortment of food. Enclosed in each of said packages was a slip containing the following labeling: "Packed by A. Newberg & Co. Babylon, N. Y. Net Weight 1½ Lbs."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1½ Lbs.," borne on the slip was false and misleading since the packages contained less than 1½ pounds of food; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that its containers were so filled as to be misleading, since the trays were enclosed in cellophane which permitted observation of the contents, and since there had been packed in the bottom of the trays a large amount of packing medium which was not visible, so that the trays contained a substantially smaller amount of food than their appearance indicated that they contained; and (4) in that the article consisted of an assortment of foods each of which was fabricated from two or more ingredients and the packages did not bear a label containing the common or usual name of each ingredient of the foods. The information contained 10 other counts involving shipments of gift packages into the States of Louisiana, Texas, Connecticut, Massachusetts, Ohio, Minnesota, and Washington; and charged that they were misbranded in a manner similar to the shipment of November 20, 1942, into Louisiana.

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and sentenced him to serve 4 months in jail on the first count and ordered that the remaining 10 counts be dismissed.

4891. Misbranding of gift packages of food. U. S. v. Mae K. Wind (R. Wind Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 8822. Sample Nos. 7760-F, 7934-F, 8855-F, 8858-F, 8860-F, 9027-F, 9570-F, 9760-F, 13252-F, 19539-F, 18692-F, 32697-F.)

On April 1, 1943, the United States attorney for the Eastern District of New York filed an information against Mae K. Wind, an individual, trading and doing business as R. Wind Co. at Babylon, Long Island, N. Y., alleging in count 1 shipment on or about November 20, 1942, from the State of New York into the State of Louisiana of a quantity of gift packages, each package containing a tray containing an assortment of food. Enclosed in each of said packages was a slip containing the following labeling: "Packed by A. Newberg & Co. Babylon, N. Y. Net Weight 1½ Lbs."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1½ Lbs.," borne on the slip was false and misleading since the packages contained less than 1½ pounds of food; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that its containers were so filled as to be misleading since the trays, enclosed in cellophane which permitted observation of the contents, had been packed in the bottom with a large amount of packing medium which was not visible, so that they contained a substantially smaller amount of food than their appearance indicated that they contained; and (4) in that the article consisted of an assortment of foods, each of which was fabricated from two or more ingredients, and the packages did not bear a label containing the common or usual name of each ingredient of said foods. The information contained 10 other counts involving shipments of gift packages into the States of Texas, Louisiana, Connecticut, Massachusetts, Ohio, Minnesota, and Washington; and charging that they were misbranded in manner similar to the shipment of November 20, 1942, into Louisiana.

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 on the first count and ordered that the remaining 10 counts be dismissed.

4892. Misbranding of assorted confections. U. S. v. 21 Cases of Assorted Confections (and 9 additional seizure actions against confections). Default decrees of condemnation. Portion of product ordered distributed to charitable institutions, remainder ordered destroyed. (F. D. C. Nos. 9014, 9015, 9067, 9077, 9147, 9148, 9152, 9180, 9190. Sample Nos. 7598-F, 7933-F, 7934-F, 9026-F to 9028-F, incl., 9783-F, 18692-F, 18717-F, 19539-F, 28758-F, 31859-F, 31861-F, 32697-F, 32700-F, 41605-F.)

Between December 14, 1942, and February 1, 1943, the United States attorneys for the District of Connecticut, the District of Massachusetts, the Northern District of Texas, the District of Minnesota, the Southern District of Ohio, the Western District of Texas, and the Western District of North Carolina filed libels against 21 cases, each containing 12 boxes of assorted confections at Hartford, Conn., 32 boxes at Boston, Mass., 69 boxes at Dallas, Texas, 214 boxes at Minneapolis, Minn., 76 boxes at Cincinnati, Ohio, 29 boxes at Charlotte, N. C., 70 boxes at San Antonio, Texas, 14 boxes at Bridgeport, Conn., and 7½ dozen boxes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about July 3 to Nov. 27, 1942, by A. Newburg & Co., New York City, N. Y., Lindhurst, N. Y., and Babylon, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that its containers were so made, formed and filled as to be misleading, since the paper packing occupied an excessive amount of the available space of the packages. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. Portions of the article were alleged to be misbranded further in that it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents. Portions were alleged to be misbranded further in that the statement of the quantity of contents, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

Six of the lots seized were alleged to be misbranded in that the statements "Net Weight 3½ Lbs.," "Net Weight 3¼ Lbs.," "Net Weight 4½ Lbs.," or "Net Weight 1¼ Lbs." were false and misleading when applied to an article that was short weight. One box (an unlabeled checkerboard specialty package) was alleged to be misbranded further in that it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. The lot located at Hartford, Conn., was alleged to be misbranded further in that it contained artificial flavoring and artificial coloring and failed to bear a label stating that fact.

Between January 27 and March 18, 1943, no claimant having appeared, judgments of condemnation were entered and the portions of the article located at Boston, Mass. and Charlotte, N. C. were ordered destroyed. The remainder of the lots were ordered distributed to charitable institutions.

4893. Misbranding of gift assortment packages. U. S. v. 47 Packages of Favorite Assortment Service Package. Default decree of condemnation and destruction. (F. D. C. No. 9070. Sample No. 37711-F.)

On December 24, 1942, the United States attorney for the Northern District of Illinois filed a libel against the above-named product at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by Wallace & Co., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading since it contained excessive packing medium.

On March 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4894. Misbranding of gift packages. U. S. v. 15 Boxes of "Victory Snack-Pack" (and 3 additional seizure actions against gift packages). Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. Nos. 9121, 9122, 9165, 9185. Sample Nos. 31756-F, 31858-F, 31909-F, 41603-F, 41606-F, 41610-F.)

These packages were all short of the declared weight. On some of the labels the name and place of business of the packer was printed in small type on the inside of the lid. In one of the lots the containers were so packed that there was considerable empty space in which more food could have been packed.

Between January 5 and 14, 1943, the United States attorney for the Southern District of Ohio filed 4 libels against a total of 872 gift packages at Cincinnati,

Ohio, which had been consigned within the period from on or about September 16, 1942, to November 17, 1943, alleging that the article had been shipped in interstate commerce by the U. S. Candy & Food Corporation from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Victory Snack-Pack * * * Net Weight 3 $\frac{3}{4}$ Lbs. [or "Net Weight 2 Lbs."]."

All lots were alleged to be misbranded (1) in that the statements "Net Weight 2 Lbs.," or "Net Weight 3 $\frac{3}{4}$ Lbs." were false and misleading as applied to an article that was short-weight; and (2) in that they were in package form and failed to bear labels containing an accurate statement of the quantity of the contents. Portions were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use. One lot was alleged to be misbranded further in that the container was so made, formed, and filed as to be misleading since considerably more food could have been packed in the box.

On January 27, 1943, the U. S. Candy & Food Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4895. Misbranding of gift packages. U. S. v. 670 Gift Packages. Consent decree of condemnation. Product ordered released under bond for re-packaging and revision of labels. (F. D. C. No. 9401. Sample No. 20161-F.)

On February 20, 1943, the United States attorney for the District of Rhode Island filed a libel against 670 gift packages at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 14, 1943, by Edgar P. Lewis & Sons, Inc., from Malden, Mass.; and charging that it was misbranded. The article was labeled in part: "Check A Pack Luscious Chewey Candy Caramels with Complete Checker Combination * * * 1 $\frac{1}{4}$ Lb. Net Weight."

These packages were so made that when opened they formed a checkerboard. They contained 2 trays; one was filled with candy, and the other contained only a small box of checkers and was three-fourths empty.

It was alleged to be misbranded (1) in that the statement "1 $\frac{1}{4}$ Lb. Net Weight" was false and misleading as applied to an article that was short-weight; (2) in that its container was so filled as to be misleading since only one-half of the package was occupied by candy and this fact could not be seen from the outside; and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On March 23, 1943, Edgar P. Lewis & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be properly filed and labeled under the supervision of the Food and Drug Administration.

4896. Misbranding of gift packages. U. S. v. 38 Cartons of Gift Packages. Default decree of condemnation. Product ordered distributed to a charitable institution. (F. D. C. No. 9367. Sample No. 23167-F.)

On February 11, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 38 cartons of gift packages containing an assortment of cookies, nuts, raisins, candy, etc., alleging that the article had been shipped in interstate commerce on or about January 6, 1943, by the Cynthia Sweets Co. from Boston, Mass.; and charging that it was misbranded.

The article was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading since the paper stuffing occupied an excessive amount of space and was mostly underneath the items, and therefore not visible.

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

4897. Misbranding of gift packages. U. S. v. A Number of Baskets and Packages containing Candied Fruit, Candy, and Nuts, Nutmeats, Preserves, Jelly and Honey. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 9125. Sample Nos. 31905-F to 31908-F., incl.)

On January 5, 1943, the United States attorney for the Southern District of Ohio filed a libel against a total of 60 baskets and packages containing an assortment of food at Cincinnati, Ohio, consigned on or about November 19, 1942, alleging that the article had been shipped in interstate commerce on or about

November 19, 1942, by De Luxe Dainties, Inc., from New York, N. Y., and charging that it was misbranded.

A portion of the article was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading, since in one of the lots an excessive amount of space was occupied by a false bottom, and in the remaining lots the paper packing occupied an excessive amount of the available space. Portions of the article were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

4898. Misbranding of Home Kist Cheer Kit (gift assortment). U. S. v. 69 Boxes of Home Kist Cheer Kit. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 9061. Sample No. 11038-F.)

On December 23, 1942, the United States attorney for the Northern District of California filed a libel against 69 boxes of Home Kist Cheer Kit at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 12, 1942, by Butler Bros. from New York, N. Y.; and charging that it was misbranded.

The boxes in which this product was packed had false bottoms. The contents occupied 64 percent of the space above the false bottom, and without the false bottom would occupy approximately 50 percent of the available space.

The article was alleged to be misbranded (1) in that the statement "1 Lb. 10 Oz." was false and misleading as applied to an article that was short weight; (2) in that its container was so filled as to be misleading since more food could have been packed in the boxes; and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On January 29, 1943, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

4899. Misbranding of gift boxes. U. S. v. 68 Boxes containing an assortment of Cookies, Pretzels, Nuts, Candy, Jelly, and Jam. Default decree entered ordering product delivered to a charitable institution. (F. D. C. No. 9093. Sample No. 7936-F.)

On December 31, 1942, the United States attorney for the District of Minnesota filed a libel against 68 boxes containing an assortment of food, alleging that the article had been shipped in interstate commerce on or about December 1, 1942, by R. L. Albert & Son, Inc., New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jelly) "Grape Flavor Apple Jelly * * * Net 1½ Oz.," or (jam) "Pure Gooseberry Jam 2 Ozs. Net."

The article was alleged to be misbranded (1) in that the statements on the jar of jelly "Net 1½ Oz.," on the jar of jam "2 Ozs. Net," and on the box "Net 1 Lb. 5 Oz." were false and misleading as applied to articles that were short weight; (2) in that it was in package form and failed to bear a label containing an accurate statement of quantity of the contents; and (3) in that statement of the quantity of the contents, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 12, 1943, no claimant having appeared, the product was ordered delivered to a charitable institution.

4900. Adulteration and misbranding of gift boxes. U. S. v. 468 Boxes containing an assortment of Crackers, Cookies, Pretzels, Nuts, Candy, and Jelly. Default decree of condemnation and destruction. (F. D. C. No. 9140. Sample No. 2689-F.)

On or about January 9, 1943, the United States attorney for the Western District of Missouri filed a libel against 468 boxes containing an assortment of food, alleging that the article had been shipped in interstate commerce on or about December 9 and 12, 1942, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, rodent hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The jelly was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since the soluble solids content of the finished jelly was less than 65 percent.

On April 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 4701 TO 4900

PRODUCTS

	N. J. No.		N. J. No.
Apple(s), butter_____	4817, 4818	Gift packages of food_____	4890-4900
canned, sliced_____	4803	Ginger_____	4799
chops_____	4806	root_____	4800
strained_____	4815-4816	Grape pomace_____	4810
Apricots, strained_____	4815-4816	Ice cream cones_____	4732, 4733
Bakery products_____	¹ 4727-4734	Kevo_____	4705
Beans, kidney, canned_____	4821	Lemon flavor_____	4798
Beets, canned_____	4822	Milk-Kevo_____	4705
Beverage bases_____	4701-4705	Mincemeat_____	4820
Brazil nuts_____	4861, 4862	Mustard, greens, canned_____	4824
Butter_____	4754-4767	seed_____	4801
Candy_____	4739-4750	Noodles_____	4735-4737
Cereal products_____	4706-4738	Nuts and nut products_____	4850-4871
Cheese_____	4768-4773	Oils_____	4872-4875
Cherries, canned_____	4804, 4805	olive_____	4872-4875
Chicken, canned, boneless_____	4889	Peanut(s)_____	4863-4867
fat_____	4887, 4888	butter_____	4868-4870
Chocolate products_____	4750-4753	crush_____	4871
cocoa substitute_____	4753	Peas, canned_____	4825-4830
fudge topping and icing substitute_____	4751	Pecans_____	4850, 4851, 4859
sirup substitute_____	4752	Pies_____	4729
sweet chocolate_____	4750	Pilchards, canned_____	4790
Coffee_____	4701-4703	Poultry and poultry products_____	4876-4889
substitute_____	4704	Prunes_____	4811
Colby cheese_____	4773	Pumpkin, canned_____	¹ 4831-4834
Cookies_____	4730, 4731	Raisins_____	4807-4809
Corn, canned_____	4823	Rice_____	4738
meal_____	4718-4726	Sage_____	4802
Crab meat_____	4791	Sauerkraut, canned_____	4836
Crackers, graham_____	4734	Self-rising flour_____	4712
Cream meal. <i>See</i> Corn meal		Shellfish_____	4791-4797
Curd cheese_____	4770	Shrimp, frozen_____	4792-4797
Dairy products_____	4754-4773	Spices_____	4799-4802
Eatette Cheese Food_____	4772	Squash, canned_____	¹ 4831
Eggs_____	4774-4785	Strawberries, frozen_____	³ 4812-4814
dried_____	4778-4781	Sweetpotatoes, canned_____	4835
frozen_____	4782	Tomato(es), canned_____	4838
liquid_____	² 4777	catsup_____	4839, 4840
shell_____	4774-4776	paste_____	4841-4843
Fish, canned_____	4790	puree_____	4844-4849
fresh_____	4789	Tullibeas_____	4789
frozen_____	4786-4788	Turkeys_____	4877, 4882-4886
Fisheries products_____	4786-4797	Turnip greens_____	4837
Flavor_____	4793	Vinegar, cider_____	4819
Flour_____	4706-4717	Walnuts_____	4852-4858
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fruit, canned_____	4803-4805	Whiting, frozen_____	4786
dried_____	4806-4811	Whole wheat flour_____	4706
frozen_____	4812-4814		
tomatoes and tomato products_____	4838-4849		
vegetables, canned_____	¹ 4821-4837		

¹(4727) (4831) Injunction.

² Prosecution contested.

³ (4813) Seizure contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams Apple Products Corp. :		Comley-Flanigen Co. :	
apples, canned, sliced-----	4803	pumpkin, canned-----	4833
Alamosa Flour Mills :		Commercial Creamery Co. :	
flour-----	4717	eggs, dried-----	4778
Albert, R. L., & Son, Inc. :		Consolidated Companies, Inc. :	
gift packages-----	4899, 4900	flour-----	4713
Alton Canning Co., Inc. :		Cortland Baking Co. :	
beets, cut, canned-----	4822	bakery products-----	4728
Anastasoff, James :		Cudahy Packing Co. :	
candy-----	4741	butter-----	4757, 4758
Anastasoff, Peter :		Cummings, G. W. :	
candy-----	4741	cheese-----	4770
Armour and Co. :		Cynthia Sweets Co. :	
peanut butter-----	4870	gift packages-----	4896
Aroma Coffee Co., Inc. :		Darcy's Pies :	
coffee-----	4701, 4702	pies-----	4729
Ashburn Peanut Co. :		Darmody, J. F., Co. :	
peanuts-----	4863	candy-----	4742
Atkins, V. B., Grocery and Commis- sion Co. :		Davis, Troy T. :	
flour-----	4709	shrimp, frozen-----	4797
Atkinson, Guy F., Co. :		Decatur Milling Co. :	
eggs, dried-----	4778	corn meal-----	4723
Bachmeyer, Conrad :		Delta County Canning Co. :	
eggs, shell-----	4774	apple butter-----	4818
Banner Wholesale Grocers, Inc. :		De Luxe Dainties, Inc. :	
tomato puree-----	4844	gift packages-----	4897
Beatrice Creamery Co. :		De Vine, Peter J. :	
butter-----	4763	olive oil-----	4872
Becknell, Floyd :		Dittmann & Co. :	
walnut meats-----	4853	butter-----	4767
Black Hills Wholesale Grocery :		Dubon Co. :	
walnut meats-----	4855	corn meal-----	4720
Blair Milling Co. :		Edgar, John B. :	
flour-----	4710	cream meal-----	4724
Blue Diamond Products Co. :		Elliott Ice Co., Inc. :	
eggs, frozen-----	4782	butter-----	4759
Blue Star Produce, Inc. :		Empire State Pickling Co. :	
eggs, frozen-----	4784	cherries, canned-----	4805
Bohannon, W. C., Canning Co. :		Empson Packing Co. :	
turnip greens, canned-----	4837	apple butter-----	4817
Bonner Packing Co. :		Encinal Terminals :	
raisins-----	4809	tomato puree-----	4848
Bordon Co. :		Evans Milling Co. :	
strawberries, frozen-----	4812	cream meal-----	4725
Brakeley Canning Co. :		Farmers' Cooperative Creamery Assoc. butter-----	4767
pumpkin, canned-----	4832	Farmer's Marketing Assoc. :	
Brinkman Cheese Co. :		butter-----	4761
cheese-----	4768	Federated Foods, Inc. :	
Brown's Confectionery Co. :		peanut butter-----	4868
candy-----	4748	Fergus County Creamery :	
Burnside Milling Co. :		eggs, frozen-----	4785
corn meal-----	4719	Filigree Quality Foods, Inc. :	
Butler Bros. :		egg noodles-----	4736
gift packages-----	4898	Fisher Dairy and Cheese Co. :	
Butler Packing Co. :		Eatette American Cheese Food-----	4772
peanut crush-----	4871	Fisher Milling Co. :	
Butterfield Canning Co. :		egg noodles-----	4736
tomato puree-----	4846	Fisher Pecan Co. :	
Caar Canning Co. :		pecan meats-----	4859
tomato puree-----	4845	Fleming, Edward J. <i>See</i> Fleming, J. H., & Co.	
Cabot Farmers' Cooperative Creamery Co. :		Fleming, J. H., & Co. :	
butter-----	4762	crab meat-----	4791
Camp, W. A., Co., Inc. :		Fleming, John H. <i>See</i> Fleming, J. H., & Co.	
nuts-----	4862	Flotill Products, Inc. :	
Canova Foods, Inc. :		tomato paste-----	4843
rubbed sage-----	4802	Food Specialties, Inc. :	
Cascade Frozen Foods, Inc. :		peanuts-----	4864
strawberries, frozen-----	4814	Foos, Fred E., Candy Co. :	
Central Ohio Supply Co. :		candy-----	4749
eggs, dried-----	4781	Frank Tea and Spice Co. :	
Cerosuolo, Pasquale :		ginger-----	4799
olive oil-----	4873	Frazier Packing Corp. :	
Chesapeake Dairy Products Co., Inc. :		tomato catsup-----	4839
butter-----	4754	Fuhrer-Ford Milling Co. :	
Chocolat-Menier :		flour-----	4709
sweet chocolate and candy-----	4750	Fullerton Walnut Packing Co. :	
Clafin Flour Mills :		walnut meats-----	4857
flour-----	4717	General Foods Sales Co., Inc. (Baker- Bennett-Day Division) :	
Clark Milling Co. :		Brazil nuts-----	4861
corn meal-----	4718		
Columbian Peanut Co. :			
peanuts-----	4865		

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

	N. J. No.		N. J. No.
Girks, Benjamin:		Lubbock Poultry & Egg:	
kidney beans, red-----	4821	butter-----	4756
Globe Mills:		Lunsford, J. L.:	
flour-----	4716	turkeys-----	4883
Golden Brand Nut Products, Inc.:		Luso-American Macaroni Manufactur-	
nut meats-----	4860	ing Co.:	
Golden Eagle Farm Products, Inc.:		egg noodles-----	4735
eggs, liquid-----	² 4777	Lutz Canning Co.:	
Granton & Co.:		tomato puree-----	4847
walnut meats-----	4855	Lysle, J. C., Milling Co.	
Great Lakes Pickle Co.:		flour-----	4715
sauerkraut-----	4836	McDonell, Edwin W.:	
Green Bay Canning Corp.:		candy-----	4740
peas, canned-----	4826	McDonell, E. W. See McDonell, Ed-	
Greenmount Canning Co.:		win W.	
peas, canned-----	4828	McGrath, H. J., Co.:	
Greenspan Bros. Co.:		peas, canned-----	4829
egg noodles-----	4736	McGregor, John A., Co., Inc.:	
Griggs, Cooper & Co.:		peanut crush-----	4871
tomatoes, canned-----	4838	Majestic Food Products Co.:	
Guggenheimer & Co.:		noodles-----	4737
prunes-----	4811	Marshall Produce Co.:	
Hader, D. C.:		poultry, dressed-----	4876
poultry, dressed-----	4881	Martin, Ed, Sea Food Co.:	
Harbauer Co.:		shrimp, frozen-----	4796
mustard seed-----	4801	Maryland Baking Co.:	
Hardee, J. R., Jr.:		ice cream cones-----	4732
shrimp, frozen-----	4794	Mayer, John E.:	
Herndon, L. H., Canning Co.:		bakery products-----	¹ 4727
sweet potatoes, canned-----	4835	Meadow Gold Dairy:	
Hill City Flour Co.:		butter-----	4763
corn meal-----	4721	Menzer, William, Inc.:	
Household Products Co.:		butter-----	4764
peas, canned-----	4829	Millard-United Co.:	
Humphrey's Mills:		peanut butter-----	4868
cream meal-----	4724	Missouri Pecan Shelling Co.:	
Import Oil Co.:		pecan meats-----	4851
oil-----	4873	Mitchell, John S., Inc.:	
Israel, Leon, & Bros., Inc.:		tomato paste-----	4841, 4842
coffee-----	4703	Monark Food Products Co.:	
Jellico-Hackney Co.:		eggs, dried-----	4780
corn meal-----	4719	Morgan-Adams Co., Inc.:	
Jerpe Commission Co.:		peas, canned-----	4825
poultry-----	4877	Mound City Shelled Nut Co.:	
Kenny, C. D., Co.:		walnut meats-----	4852
rice-----	4738	Mountain States Creamery Co.:	
King Shrimp Co.:		butter-----	4760
shrimp, frozen-----	4797	Neosho Valley Co-operative Creamery	
Kopper's Chocolate Specialty Co., Inc.:		Assoc.:	
candy-----	4739	butter-----	4766
Kramer, J. R., Inc.:		New Oxford Canning Co.:	
butter-----	4759	corn, canned-----	4823
Kröger Grocery and Baking Co.:		Newberg, A., & Co.:	
butter-----	4765	assorted confections-----	4892
Kuner-Emmerson Co.:		gift packages-----	4890, 4891
apple butter-----	4817	Newberg, Albert, See Newberg, A. & Co.	
Land O'Lakes Creameries, Inc.:		Niles, E. M., & Co.:	
butter-----	4765	chicken fat-----	4888
Lanesboro Produce Co.:		North Wind Packing Co., Inc.:	
eggs, shell-----	4776	strawberries, frozen-----	³ 4813
Langenfeld Ice Cream Co.:		Northern Packing Corp.:	
turkeys-----	4884	pilchards, canned-----	4790
Larsen Co.:		Northwestern Distributing Co.:	
apples and apricots, strained--	4815, 4816	butter-----	4755
Lebanon Fruit Growers Assoc.:		Not-A-Seed Sales Co.:	
cherries, canned-----	4804	raisins-----	4808
Lefevre, Peter, & Co.:		O'Brien's, Inc.:	
flour-----	4706	candy-----	4745
Leggett, Francis H., & Co.:		Old Virginia Packing Co.:	
lemon flavor-----	4798	grape pomace, dried-----	4810
Levy, Louis, Grocer Co., Ltd.:		Orchard Products Co.:	
flour-----	4715	cider vinegar-----	4819
Lewis, Edgar P., & Sons, Inc.:		Ossola, J., Co., Inc.:	
gift packages-----	4895	olive oil-----	4875
Liberty Brand Cookie Co., Inc.:		Overland Candy Co.:	
cookies and macaroons-----	4731	candy-----	4742
Liberty Fish Co.:		Ozark Canning Co.:	
shrimp, frozen-----	4793	mustard greens, canned-----	4824
Lipscomb Grain & Seed Co.:		Pacific Coast Nut House:	
cream meal-----	4726	walnut meats-----	4856
Lord-Mott Co., Inc.:		Pacific Fruit & Produce Co.:	
peas, canned-----	4830	flour-----	4708

¹ Injunction.² Prosecution contested.³ Seizure contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

	N. J. No.		N. J. No.
Paulding Packing Co.:		Seymour Packing Co.:	
tomato puree-----	4844	poultry-----	4878
Pereira, Antonio J.:		Shanghai Noodle & Macaroni Manufac-	
egg noodles-----	4735	turing Co.:	
Peter Fox Sons Co.:		noodles-----	4737
turkeys-----	4882, 4886	Shreveport Grain and Elevator Co.:	
Petry, P. H., Co.:		corn meal-----	4722
ginger root-----	4800	Silver, William E., Sales Co.:	
Pillsbury Flour Mills Co.:		pumpkin, canned-----	4834
flour-----	4716	Silvershein, Phil, Corp.:	
Pine Grove Canning Co.:		candy-----	4746
sweet potatoes, canned-----	4835	Sisk, Albert W.:	
Preston-Shaffer Milling Co.:		peas, canned-----	4830
flour-----	4714	Sisk, Albert W., and Son:	
Price, Vernon D., Vinegar Co.:		corn, canned-----	4823
sauerkraut-----	4836	Smith Canning Co.:	
Pringle, R. D., & Co.:		tomato puree-----	4849
peas, canned-----	4827	Smith, J. Allen, & Co.:	
Producers Peanut Co., Inc.:		flour-----	4712
peanut butter-----	4869, 4870	Smith Rice Milling Co.:	
Pruitt Produce Co.:		rice-----	4738
poultry-----	4879	Sol Rich and Co.:	
Pruitt, William Boyd. <i>See</i> Pruitt		eggs, shell-----	4776
Produce Co.		Spangler, Arthur G. <i>See</i> Spangler	
Pulis, J. D., Co.:		Candy Co.	
tomato puree-----	4848	Spangler Candy Co.:	
Purity Candy Co.:		candy-----	4743, 4744
candy-----	4741	Spangler, Ernest D. <i>See</i> Spangler	
Purity Cone Co.:		Candy Co.	
ice cream cones-----	4733	Spencer Packing Co.:	
Quaker City Grocery Co., Inc.:		cherries, canned-----	4804
pumpkin, canned-----	4832	Spencer Produce Co.:	
Quaker Oats Co.:		eggs, shell-----	4775
flour-----	4713	Stamper, F. M., Co.:	
Red and White Corp.:		poultry-----	4880
apples and apricots, strained--	4815, 4816	Star Cheese Factory:	
Rich, Sol, & Co.:		cheese-----	4769
eggs, shell-----	4776	Steed, J. R., & Sons:	
Riona Products Co., Inc.:		shrimp, frozen-----	4792
turnip greens, canned-----	4837	Steele Wedeles Co.:	
Robinson-Evans Mill Co.:		cheese-----	4771
corn meal-----	4719	Stern, Jacob:	
Robinson, J. B.:		eggs, dried-----	4779
chocolate fudge topping and icing		Stoll, Albert J. <i>See</i> Stoll Candy Co.	
substitute-----	4751	Stoll Candy Co.:	
chocolate sirup substitute-----	4752	candy-----	4742
cocoa substitute-----	4753	Strickland Bros. Co.:	
CoVe Coffee substitute-----	4704	pecan meats-----	4850
Robinson, Oscar W.:		Suffolk Peanut Co.:	
corn meal-----	4719	peanuts-----	4867
Rodrigues, Joseph:		Sunland Sales Cooperative Assoc.:	
egg noodles-----	4735	raisins-----	4807
Roland Fish Co.:		Sun-Maid Raisin Growers of Cali-	
shrimp, frozen-----	4795	fornia:	
Roney, Joseph C.:		raisins-----	4807
cream meal-----	4724	Swift & Co.:	
Rosenberg, Morris:		cheese-----	4773
walnut meats-----	4854	Tacoma Ice Co.:	
Royale Popcorn Co., Inc.:		strawberries, frozen-----	* 4813
chocolate fudge topping and icing		Thomas and Clarke, Inc.:	
substitute-----	4751	graham crackers-----	4734
chocolate sirup substitute-----	4752	Tracy Produce Co., Inc.:	
cocoa substitute-----	4753	eggs, frozen-----	4783
CoVe Coffee Substitute-----	4704	Tranbarger, J. R., Produce & Feed Co.:	
Runkle Co.:		walnut meats-----	4858
candy-----	4747	Trans-Oceanic Fisheries:	
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Sackreiter, H. A.:		U. S. Candy & Food Corp.:	
turkeys, dressed-----	4885	gift packages-----	4894
Salem County Cannery, Inc.:		Valier and Spies Milling Co.:	
pumpkin and squash, canned-----	¹ 4831	flour-----	4711
Sawyer Stores, Inc.:		Vanderveer and Coleman, Inc.:	
butter-----	4755	kidney beans, red-----	4821
Schwabacher Bros. & Co.:		Viking Fisheries, Ltd.:	
flour-----	4707	tullibeas-----	4789
Scoville, Brown & Co.:		Wall-Rogalsky Milling Co.:	
cheese-----	4770	flour-----	4709
Seeman Bros., Inc.:		Wallace & Co.:	
pumpkin, canned-----	4834	gift packages-----	4893
		Wallace, Burton & Davis Co.:	
		pumpkin, canned-----	4834

¹ Injunction.² Seizure contested.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS—Continued

Walther, Henry :	N. J. No.	Whelan, H. A. :	N. J. No.
flour -----	4713	chicken fat -----	4887
Washington Poultry Products Co. :		W-H-Y and Kevo Products, Inc. :	
chicken, canned -----	4889	Kevo and Milk Kevo -----	4705
Weiner, Benjamin :		Williams, P. P., Co. :	
poultry, dressed -----	4876	corn meal -----	4721
Weiner, Julius :		Williamston Peanut Co., Inc. :	
poultry, dressed -----	4876	peanuts -----	4866
Welkley Bros. :		Wilson & Co. :	
apple chops -----	4806	butter -----	4756
West Coast Grocery :		Wind, Mae K. :	
walnut meats -----	4855	gift packages -----	4891
Western Canada Fisheries :		Wind, R., Co. :	
whitefish, frozen -----	4788	gift packages -----	4891
Western Fish Co. :		Winthrop Creamery Co. :	
whitefish, frozen -----	4787	butter -----	4764
Western Food Corp. :		Wood's Mince Meat Co. :	
oil (vegetable-olive) -----	4874	mincemeat -----	4820
tomato paste -----	4841, 4842	Zerega's, A., Sons, Inc. :	
		egg noodles -----	4736

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4901-5100

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *May 9, 1944.*

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BEVERAGES AND BEVERAGE MATERIALS

4901. Adulteration and misbranding of Sunway-Crystals. U. S. v. 103 Cases of Sunway-Crystals. Decree of condemnation and destruction. (F. D. C. No. 4759. Sample No. 56585-E.)

On May 15, 1941, the United States attorney for the Northern District of New York filed a libel against 103 cases of Sunway-Crystals, alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by Sunway Fruit Products, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sunway-Crystals Lemon Flavor * * * prepared from dehydrated lemon juice, citric acid from citrus fruits, corn sugar, lemon oil, and certified color added. * * * One-half teaspoonful will make an 8-ounce glass of lemonade if sugar is added."

The article was alleged to be adulterated in that an artificially colored mixture of citric acid with dextrose, calcium phosphate, lemon oil, and a small amount of dehydrated lemon juice had been substituted for dehydrated lemon juice, which it purported to be by its appearance and the label representations that it would make lemonade.

The article was alleged to be misbranded (1) in that the statement "Crystals Lemon Flavor * * * will make * * * lemonade" was false and misleading since it would not produce lemonade, but would produce imitation lemonade; (2) in that the statement "prepared from dehydrated lemon juice, citric acid from citrus fruits, corn sugar, lemon oil, and certified color added" was false and misleading because calcium

phosphate, one of the ingredients, was not declared; (3) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (4) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

On June 12, 1941, the consignee, through an attorney, filed an answer which did not deny the material allegations of the libel. On March 3, 1943, the United States attorney, having filed a motion for judgment and no appearance having been made by the intervenor, a decree of condemnation was entered and the product was ordered destroyed.

4902. Misbranding of coffee. U. S. v. David Baron (Baron Coffee Co.). Plea of guilty. Fine, \$600. (F. D. C. No. 9616. Sample Nos. 18686-F, 18687-F, 18710-F.)

On April 17, 1943, the United States attorney for the District of Connecticut filed an information against David Baron, trading as the Baron Coffee Co. at Hartford, Conn., alleging shipment within the period from on or about November 18 to December 12, 1942, from the State of Connecticut into the State of Massachusetts of quantities of coffee that was misbranded. The article was labeled in part: "Baronet * * * Coffee." Two of the shipments bore the statement "With Chick - Peas," inconspicuously stamped on the bag.

One lot was alleged to be misbranded (1) in that the statement "Coffee" borne on the bags was false and misleading as applied to an article consisting in part of ground chick-peas; (2) in that it was a mixture of ground roasted coffee and ground roasted chick-peas and was offered for sale under the name of another food, coffee; and (3) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

The remaining lots of the article were alleged to be misbranded (1) in that it consisted of ground roasted coffee and ground roasted chick-peas and was offered for sale under the name of another food, coffee; and (2) in that it was fabricated from two or more ingredients, coffee and chick-peas, and the common or usual name of each of these ingredients was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, in that the common or usual name of one of the ingredients of the food, chick-peas, was inconspicuously rubber-stamped upon the bags containing the article.

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$600.

4903. Misbranding of coffee substitute. U. S. v. 47 Cases of Coffee-Savr. Default decree of condemnation and destruction. (F. D. C. No. 9577. Sample No. 7997-F.)

On March 18, 1943, the United States attorney for the District of Minnesota filed a libel against 47 cases, each containing 36 bags, of Coffee-Savr at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 23 and March 1, 1943, by the Frank R. Prina Corporation from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "For 'Goodness' Sake Use 'Coffee-Savr' * * * Prina's Pure Processed Nature's Vitamineralized Cereal Fresh Roasted Ground Coffee Savr."

The article was alleged to be misbranded (1) in that the word "Vitamineralized" was misleading since it suggested and created the impression that the article contained added vitamins and minerals, whereas it did not contain added vitamins and minerals; (2) in that the designation "Coffee-Savr" was misleading as applied to an article which consisted essentially of roasted wheat; and (3) in that its label failed to bear the common or usual name of the food, roasted wheat.

On June 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL AND CEREAL PRODUCTS

FLOUR

Nos. 4904 to 4914 report legal actions involving flour, samples of which were found to contain one or more kinds of filth, such as beetles, larvae, weevils, and other insects, cast skins, rodent and insect excreta, rodent hairs, and hairs resembling rodent hairs. In most instances the time of contamination was not determined.

4904. Adulteration of flour. U. S. v. 92 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9384. Sample No. 9587-F.)

On February 15, 1943, the United States attorney for the Western District of Louisiana filed a libel against 92 20-pound bags of flour at Opelousas, La., alleging

that the article had been shipped in interstate commerce on or about October 3, 1942, by General Mills, Inc., from Wichita Falls, Tex.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: "Purasnow Enriched Phosphated Flour."

On June 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or otherwise disposed of according to law.

4905. Adulteration of flour. U. S. v. 62 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8402. Sample No. 9429-F.)

On September 22, 1942, the United States attorney for the Southern District of Mississippi filed a libel against 62 98-pound bags of flour at McComb, Miss., alleging that the article had been shipped in interstate commerce on or about June 25, 1942, by General Mills Co., Inc., from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Okoma Special Bleached Flour."

On December 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4906. Adulteration of flour. U. S. v. 96 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 8697. Sample Nos. 6067-F, 6068-F.)

On November 3, 1942, the United States attorney for the Western District of Arkansas filed a libel against 96 sacks of flour at Hope, Ark., alleging that the article had been shipped in interstate commerce on or about August 8 and September 7, 1942, by the Ponca City Milling Co., Inc., from Ponca City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ponca's Best Flour Extra Fancy Patent," or "Dan's Best Extra High Patent Phosphated Flour Bleached."

On January 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4907. Adulteration of flour. U. S. v. 35 Sacks and 52 Sacks of Flour. Default decree of condemnation. Product ordered sold for purposes other than human consumption. (F. D. C. Nos. 8871, 8872. Sample Nos. 5638-F, 6070-F.)

On November 11, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against a total of 87 24-pound sacks of flour at Russellville, Ark., alleging that 52 sacks of the article had been shipped in interstate commerce on or about March 21, 1941, by the N. Sauer Milling Co., from Cherrydale, Kans., and that 35 sacks had been shipped on or about August 11 and 29, 1942, by the Ponca City Milling Co., from Ponca City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Cherry Gold Extra High Patent Flour," or "Bleached Ponca's Best Flour * * * Fancy Patent."

On May 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold, a condition of the sale being that it should not be used for human consumption.

4908. Adulteration of flour. U. S. v. 93 Sacks, 115 Sacks, and 116 Sacks of Flour. Decrees of condemnation. Portion of product ordered released under bond for denaturing, remainder ordered destroyed. (F. D. C. Nos. 8346, 8555. Sample Nos. 6044-F, 6045-F, 9491-F.)

On September 11 and October 15, 1942, the United States attorneys for the Western District of Tennessee and the Northern District of Mississippi filed libels against 93 24-pound sacks and 115 12-pound sacks of flour at Memphis, Tenn., and 116 24-pound sacks of flour at Clarksdale, Miss., alleging that the article had been shipped in interstate commerce within the period from on or or about November 14, 1941, to May 11, 1942, by the H. C. Cole Milling Co. from Chester, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Mallow Bloom Flour," or "Clearlake Flour Bleached."

On November 6, 1942, judgment of condemnation was entered against the lot located at Clarksdale, Miss., and the product was ordered released under bond to the Planters Wholesale Grocery Co., of Clarksdale, Miss., to be denatured under the supervision of the Food and Drug Administration. On November 10, 1942, no claimant having appeared for the remainder, judgment of condemnation was entered and the product was ordered destroyed.

4909. Adulteration of flour. U. S. v. 19 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9135. Sample No. 12462-F.)

On January 9, 1943, the United States attorney for the Western District of Washington filed a libel against 19 98-pound sacks of flour at Seattle, Wash., alleging

that the article had been shipped in interstate commerce on or about May 27, 1942, by the Collins Flour Mills from Pendleton, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances. The article was labeled in part: "Collins Whole Wheat Flour."

On June 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4910. Adulteration of flour. U. S. v. 43 Bags of Flour (and 2 additional seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 9607, 9760, 9772. Sample Nos. 45043-F, 45062-F, 45063-F.)

This product contained insects, larvae, insect fragments, rodent excreta, rodent hair fragments, and hair fragments resembling rodent hairs.

On March 25 and April 6 and 8, 1943, the United States attorney for the Southern District of New York filed libels against a total of 97 98-pound bags of rye graham flour at New York City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about March 1 to 16, 1943, by A. Katz, Etra Mills, Hightstown, N. J., and charging that it was adulterated in that it consisted in whole or in part of filthy substances.

On May 4 and May 5, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4911. Adulteration of flour. U. S. v. 779 Bags of Flour. Default decree of condemnation. Product ordered sold for denaturing for use as animal feed. (F. D. C. No. 9085. Sample No. 24730-F.)

On December 31, 1942, the United States attorney for the Eastern District of Virginia filed a libel against 799 bags of flour at Norfolk, Va., alleging that the article was in possession of the Jones Cold Storage Corporation, that it had been shipped in interstate commerce within the period from on or about February 3 to April 25, 1942, from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent excreta, rodent hairs, grain beetles, insect larvae, insect skins, insect fragments, and mites, and in that it was held, after shipment, under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Goldrim Flour Distributed by International Milling Co., Minneapolis, Minn."

On June 15, 1943, an order having been entered decreeing certain lien claims against the product, and an offer having been received to purchase it for stock feed, judgment of condemnation was entered and it was ordered that the flour be sold, and that the purchase money be paid to R. Arthur Jett, as trustee, upon his filing a bond conditioned upon the denaturing of the flour for use as animal feed, under the supervision of the Food and Drug Administration.

4912. Adulteration of flour. U. S. v. 619 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 9550. Sample No. 20265-F.)

This product had been stored under insanitary conditions after shipment, and when examined mouse pellets and rodent urine stains were found on many of the bags. Analysis of the stained portions of a bag, and flour caked on the inside of it, confirmed the presence of urine.

On March 15, 1943, the United States attorney for the District of Massachusetts filed a libel against 619 98-pound bags of flour at Chelsea, Mass., alleging that the article had been shipped in interstate commerce on or about January 20, 1943, from Avondale, Pa., and that it was in possession of Eastern Baking Co.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On April 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4913. Adulteration of buckwheat flour. U. S. v. 59 Bags of Buckwheat Flour. Consent decree of condemnation. Product ordered released under bond to be denatured and relabeled and used for non-human purposes. (F. D. C. No. 9254. Sample No. 36862-F.)

On January 27, 1943, the United States attorney for the District of Maryland filed a libel against 59 100-pound bags of buckwheat flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 29, 1942, by the Benton Roller Mills from Benton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: "Buckwheat Flour Strictly Pure Manufactured by John J. Mather Benton, Columbia Co., Pa."

On February 20, 1943, the J. Fred Shafer Co., Baltimore, Md., and the Benton Roller Mills, claimants, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was

ordered released under bond for denaturing and relabeling under the supervision of the Food and Drug Administration and disposal for non-human purposes.

4914. Adulteration of "Do-Nut Flour." U. S. v. 2 Barrels of "Do-Nut Flour." Default decree of condemnation and destruction. (F. D. C. No. 7853. Sample No. 93816-E.)

On July 2, 1942, the United States attorney for the Western District of Washington filed a libel against 2 barrels of "Do-Nut Flour" at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 4, 1942, by the Joe Lowe Corporation from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On July 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

Nos. 4915 to 4918 report the seizure and disposition of corn meal, samples of which were found to be contaminated with one or more types of filth, such as insects and insect fragments, larvae and larvae fragments, cast skins, rodent excreta, and rodent hair fragments.

4915. Adulteration of corn meal. U. S. v. Eagle Roller Mills Co., Inc. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 8773. Sample No. 28708-F.)

On January 18, 1943, the United States attorney for the Western District of North Carolina filed an information against the Eagle Roller Mills Co., Inc., of Shelby, N. C., alleging shipment on or about August 10, 1942, from the State of North Carolina into the State of South Carolina of a quantity of corn meal that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Cleveland Fresh Stone Ground Corn Meal Unbolted."

On September 29, 1943, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of \$150.

4916. Adulteration of corn meal. U. S. v. the Twin City Grocery Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 8754. Sample No. 28717-F.)

On December 8, 1942, the United States attorney for the Middle District of North Carolina filed an information against the Twin City Grocery Co., a corporation, at Leaksville, N. C., alleging shipment on or about August 24, 1942, from the State of North Carolina into the State of Virginia of a quantity of corn meal that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 8, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

4917. Adulteration of corn meal. U. S. v. 825 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 8897. Sample No. 6470-F.)

On November 18, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 825 20-pound bags of corn meal at Little Rock, Ark., (amended January 8, 1943), alleging that the article had been shipped in interstate commerce on or about October 28, 1942, by the Crete Mills from Crete, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bag) "Mammy Lou White Corn Meal."

On April 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4918. Adulteration of corn meal. U. S. v. 15 Bags and 25 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a charitable institution for use as animal feed. (F. D. C. No. 8393. Sample No. 24326-F.)

On or about January 4, 1943, the United States attorney for the Western District of Virginia filed a libel against 15 25-pound bags and 25 10-pound bags of corn meal at Roanoke, Va., alleging that the article had been shipped in interstate commerce on or about August 12 and 26, 1942, by Gwinn Bros. & Co. from Huntington, W. Va.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances. The article was labeled in part: (Bags) "Gwinn's Table Meal."

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for use as animal feed.

BAKERY PRODUCTS

4919. Adulteration of cheese cake. U. S. v. New Essential Cheese Cake Co., Inc., Max Jacobs, and Samuel Galst. Pleas of guilty. Fine, \$500 on the first count and sentence suspended on the remaining 3 counts with respect to corporation. Max Jacobs and Samuel Galst sentenced to 3 months imprisonment on each of the 4 counts, sentences to run concurrently. (F. D. C. No. 7682. Sample Nos. 84359-E, 84369-E, 84381-E, 84382-E.)

This product contained rodent hair fragments, hair resembling cat hair, splinters of wood, metal fragments, insect fragments, numerous plant fragments, pebbles, human hair fragments, and a fragment of cardboard.

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against the New Essential Cheese Cake Co., Inc., at Brooklyn, N. Y., and Max Jacobs and Samuel Galst, officers of the corporation, alleging shipment within the period from on or about April 12 to 23, 1942, from the State of New York into the State of New Jersey of a quantity of cheese cake that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. Portions of the article were labeled in part: "California Cheese Cake." The remainder of the product was unlabeled.

On July 16, 1943, pleas of guilty having been entered on behalf of the defendant corporation and the individual defendants, the court imposed a fine of \$500 against the corporation on count 1. Sentence was suspended on counts 2, 3 and 4 with respect to the corporation. The court imposed a sentence of 3 months imprisonment on each of the 4 counts contained in the information, to be served concurrently, against each of the individual defendants.

4920. Adulteration of bakery products. U. S. v. The Great Atlantic and Pacific Tea Co., Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 8828. Sample Nos. 28275-F, 28277-F, 28279-F.)

On May 12, 1943, the United States attorney for the Southern District of Florida filed an information against the Great Atlantic and Pacific Tea Co., Inc., Jacksonville, Fla., alleging shipment on or about December 17, 1942, from the State of Florida into the State of South Carolina of a quantity of bakery products that were adulterated in that they consisted in whole or in part of filthy substances by reason of the presence therein of rodent hair fragments and insect fragments, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Jane Parker Golden Pound Cake [or "Devil's Food Bar" or "Orange Pineapple Coffee Cake"]."

On June 7, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

4921. Adulteration and misbranding of cake. U. S. v. Old Plantation Baking Co. Plea of guilty. Fine, \$300. (F. D. C. No. 8782. Sample Nos. 15543-F to 15549-F, incl.)

This product contained rodent hairs, mammalian hairs resembling rodent hairs, insect parts, feather barbules, nondescript dirt, carbon, and threads.

On February 12, 1943, the United States attorney for the District of Montana filed an information against the Old Plantation Baking Co., a corporation, at Helena, Mont., alleging shipment on or about July 21, 1942, from the State of Montana into the States of North Dakota and Washington of a quantity of cake that was adulterated and misbranded. The article was labeled in part: "Eddy's Butterscotch Cake [or "Chocolate Cake," "Burnt Sugar Cake," "Banana Flip," or "Applesauce"]," or "Fresh Banana Flip Made with Fresh Ripe Bananas."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

The lot labeled in part "Fresh Banana Flip Made with Fresh Ripe Bananas" was alleged to be misbranded in that the statements "Fresh Banana" and "Made with Fresh Ripe Bananas" were false and misleading in that the statements represented and suggested that the article had been made with fresh, ripe bananas, whereas it had not been made with fresh, ripe bananas. It was alleged to be misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On June 17, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

4922. Adulteration of doughnuts. U. S. v. Cottage Donuts, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 7707. Sample Nos. 84576-E, 89171-E, 89172-E, 89174-E.)

On November 10, 1942, the United States attorney for the Northern District of New York filed an information against Cottage Donuts, Inc., at Watervliet, N. Y., alleging shipment on or about March 24 and 25, 1942, from the State of New York into the States of Connecticut and Massachusetts of quantities of doughnuts that were adulterated in that they consisted in whole or in part of filthy substances by

reason of the presence therein of filth, mammalian hair fragments, human hairs, and nondescript dirt, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. They were labeled in part: "Home Circle Doughnuts," or "Bell Doughnuts."

On June 9, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

4923. Adulteration of Potato-Pop-Chips. U. S. v. The Royale Popcorn Sales Co. Plea of guilty. Fine, \$750 and costs. (F. D. C. No. 8809. Sample 22425-F.)

This product contained rodent hairs.

On March 16, 1943, the United States attorney for the Northern District of Ohio filed an information against the Royale Popcorn Sales Co., a corporation, at Cleveland, Ohio, alleging shipment on or about October 23, 1942, from the State of Ohio into the State of New Jersey of a quantity of a food, invoiced as "Potato-Pop-Chips," which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 13, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750 and costs.

4924. Adulteration of bakery products. U. S. v. Gilt Edge Bakery Products, Inc. Plea of guilty. Fine, \$100 on each of 4 counts. Payment of fines on counts 3 and 4 suspended. (F. D. C. No. 8829. Sample Nos. 4475-F to 4477-F, incl., 4575-F to 4577-F, incl., 31741-F, 31742-F.)

This product has been prepared under insanitary conditions, and samples from various shipments were found to contain rodent hairs and insect fragments.

On April 13, 1943, the United States attorney for the Southern District of Ohio filed an information against the Gilt Edge Bakery Products, Inc., at Cincinnati, Ohio, alleging shipment within the period from on or about November 19 to December 4, 1942, from the State of Ohio into the States of Kentucky and Indiana of a quantity of bakery products that were adulterated. The article was labeled in part: "Patsy-Ann Dainty Assortment Cookies," "Super Value Patsy Ann Cookies," "Patsy-Ann Basket Assorted 10c Cookies," "Vanilla Wafers 10c Really Good," or "Patsy Ann Toasted Oatmeal Cookies."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. All of the product was alleged to be adulterated in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 3, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$100 on each of the 4 counts contained in the information, but suspended payment of the fine on counts 3 and 4.

4925. Adulteration of bakery products. U. S. v. 50 Cartons of Cookies (and 2 additional seizure actions against bakery products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9134, 9168, 9351. Sample Nos. 12447-F to 12454-F, incl., 12477-F, 30514-F.)

On January 8 and 18, and February 10, 1943, the United States attorneys for the District of Idaho and the District of Oregon filed libels against 50 cartons of cookies at Twin Falls, Idaho, 115 cases of variously labeled bakery products at Lewiston, Idaho, and 22 cases of cookies at Corvallis, Oreg., alleging that the articles had been shipped in interstate commerce on or about December 14, 1942, and January 25, 1943, by the American Cracker Co. from Seattle, Wash.; and charging that they were adulterated in that they consisted wholly or in part of a filthy substance, rodent-like hairs, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Rainbows," "Sugar Honey-Sweet Graham Crackers," "Delicious Tasty Maid Soda Wafers Slightly Salted," "Harvest Assortment," "Toasted Sweeties," "Rum and Butter Sandwich," "Ginger Snaps," or "Colonial Sandwich."

On April 6 and 9, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4926. Adulteration of cookies. U. S. v. 50 Cases of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 9595. Sample Nos. 10298-F, 10299-F.)

This product was contaminated with naphthalene or creosote. The time at which such contamination occurred was not determined.

On March 23, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 50 cases of cookies at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 20, 1943, by Thomas & Clarke, Inc., from Peoria, Ill.; and charging that it was adulterated in that it was unfit for food because of contamination with naphthalene or creosote. The article was labeled in part: "Keystone Asst. Sand. Marshmallow Cookies," or "Asst. Egood Cream Cookies."

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4927. Adulteration and misbranding of enriched bread. U. S. v. Neal Freeman (Good Eats Bakery). Plea of guilty. Fine, \$200. (F. D. C. No. 7749. Sample No. 88180-E.)

On January 22, 1943, the United States attorney for the Northern District of Texas filed an information against Neal Freeman, trading as the Good Eats Bakery, at Dalhart, Tex., alleging shipment on or about May 26, 1942, from the State of Texas into the State of Oklahoma of a quantity of bread that was adulterated and misbranded. The article was labeled in part: "Tender Krust Bread."

It was alleged to be adulterated in that valuable constituents, vitamin B₁, nicotinic acid, riboflavin, iron, and calcium, had been in whole or in part omitted from said article, and in that it was represented to consist of bread that had been enriched with vitamin B₁, and to contain in each loaf 450 International units of vitamin B₁, 0.6 milligram of riboflavin, 8 milligrams of nicotinic acid, 9 milligrams of iron, and 320 milligrams of calcium; whereas it had not been enriched with vitamin B₁, and each loaf contained not more than 300 International units of vitamin B₁, not more than 0.34 milligram of riboflavin, not more than 4.3 milligrams of nicotinic acid or its biological equivalent, not more than 7.07 milligrams of iron, and not more than 157.6 milligrams of calcium.

It was alleged to be misbranded (1) in that the statements, "Enriched with Vitamin B₁ Contains Not Less Than: 450 International Units Vitamin B₁ (1.35 mg. Thiamin) 0.6 mg. (Riboflavin) vitamin B₂ 8 mg. of Nicotinic Acid (a Vitamin of the Vitamin B complex) 9 mg. of Iron 320 mg. of Calcium," borne on the wrapper were false and misleading; (2) in that it was in package form and its package did not bear a label containing the address of the manufacturer, packer, or distributor; and (3) in that it did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

On June 8, 1943, a plea of guilty having been entered by the defendant, the court imposed a fine of \$200.

4928. Misbranding of cookies. U. S. v. 119 Boxes of Cookies. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 9606. Sample No. 44597-F.)

On or about March 25, 1943, the United States attorney for the District of Connecticut filed a libel against 119 boxes of cookies at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by Sherman Rubin, from Bronx, N. Y.; and charging that it was misbranded. The article was labeled in part: (Sticker) "U. S. Cookies 14 Oz. Net Weight * * * Certified Flavor * * * Baked by U. S. Cookies, Inc. Brooklyn, N. Y."

The article was alleged to be misbranded (1) in that the statement "14 Oz. Net Weight" was false and misleading since it was short weight; (2) in that the statement "Certified Flavor" was false and misleading since flavors are not certified; (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (4) in that it contained artificial coloring and failed to bear labeling stating that fact.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

4929. Misbranding of cookies. U. S. v. 540 Cartons of Cookies (and 2 additional seizure actions against cookies). Decrees of condemnation. Product ordered delivered to welfare organizations. (F. D. C. Nos. 9201, 9241, 9242. Sample Nos. 9040-F, 10613-F, 15857-F.)

This product was short of the declared weight.

Between January 15 and February 1, 1943, the United States attorneys for the Northern District of California, the District of Wyoming, and the Northern District of Texas filed libels against 540 cartons, each containing 12 packages, of cookies at

San Francisco, Calif., 39 cases of cookies at Cheyenne, Wyo., and 134 cases of cookies at Dallas, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about December 8 to 31, 1942, by the Miracle Baking Co., Inc., from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Cartons) "Miracle Ice Box Cookies * * * Net Weight 13 Oz."

It was alleged to be misbranded in that the statement "Net Weight 13 Oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On February 11 and March 9, 1943, no claimant having appeared for the lots located at San Francisco, Calif., and Dallas, Tex., judgments of condemnation were entered and the product was ordered distributed to welfare organizations. On February 20, 1942, the Miracle Baking Co. having appeared as claimant for the lot located at Cheyenne, Wyo., and having consented to the entry of a decree, judgment of condemnation was entered with provision for release of the product under bond for relabeling or repacking. On March 5, 1943, on motion of the claimant, the product was ordered delivered to a welfare organization.

MISCELLANEOUS CEREAL PRODUCTS *

4930. Adulteration of rice. U. S. v. 39 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 9427. Sample No. 10558-F.)

This product had been stored, after shipment, under insanitary conditions and was subject to rodent infestation. When sampled it was contaminated with rodent hairs and pellets, and the bags bore rodent urine stains.

On February 24, 1943, the United States attorney for the Southern District of California filed a libel against 39 100-pound bags of rice at Fresno, Calif., in the possession of Haas Bros., alleging that the article had been shipped in interstate commerce on or about September 25, 1942, from Dewitt, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Bag) "Lady Wright Long Grain * * * Smith Rice Mill Co., Dewitt, Ark."

On April 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4931. Adulteration of popcorn. U. S. v. 205 Bags of Shelled Popcorn. Default decree of condemnation. Product ordered delivered to a welfare organization for use as animal feed. (F. D. C. No. 9507. Sample No. 24834-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Practically every bag in the pile bore evidence of rodent contamination by the presence of excreta pellets and urine stains, and a number of the bags had been gnawed by rodents. Rodent hairs were found on the popcorn in the bags.

On or about March 15, 1943, the United States attorney for the Western District of Virginia filed a libel against 205 bags of shelled popcorn in the possession of the Roanoke Public Warehouse at Roanoke, Va., alleging that the article had been shipped in interstate commerce on or about January 18, 1943, from Evansville, Ind.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization for use as animal feed, and not for human consumption.

4932. Misbranding of griddlecake mix. U. S. v. 1,559 Cases of Griddle Cake Mix. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9531. Sample Nos. 38304-F.)

On March 16, 1943, the United States attorney for the Northern District of Illinois filed a libel against 1,559 cases, each containing 12 20-ounce packages, of griddlecake mix at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 6, 1943, by the Little Crow Milling Co. from Warsaw, Ind. The article was alleged to be misbranded in that the following statements in the labeling: "Golden Soy * * * Griddle Cake Mix * * * The Soy Bean Taste Sensation * * * Protein Rich Nutrition authorities agree that *protein* is the food factor that builds strong, firm flesh. It is the principal strength-building ele-

* See also Wheat Germ, No. 5092.

ment of meat. Soy flour contains nearly *four times* the protein of wheat flour—and only *one-third* of the fat-producing carbohydrates. Golden-Soy Griddle Cake Mix is a delicious blend of Soy and wheat flours rich in protein, calcium, iron and vitamins A, B, and G. * * * Rich in Vitamins A, B, AND G—ALSO CALCIUM AND IRON * * * HIGH IN MUSCLE BUILDING PROTEIN * * * LOW IN FAT-PRODUCING STARCH * * * Easy to digest . . . non-acid forming . . . 30% less starch,” were false and misleading (1) in that the name “Golden Soy” represented and suggested that the article was essentially one made of soy beans, whereas it was essentially made of white flour; (2) in that the aforesaid statements, referring to the protein, vitamin A, vitamin B, vitamin G, calcium, and iron content of the article suggested and implied that it was nutritionally superior, in its content of such factors, to prepared pancake mixtures made with white flour and other flours, whereas it was not significantly superior with respect to such nutritional factors to other prepared pancake mixes; and (3) in that the statements relative to the low starch content represented and suggested that the article was substantially low in carbohydrates, and consequently of value in conditions indicating a low carbohydrate intake, whereas the difference between the starch and the total carbohydrate content of the article and other prepared pancake mixes was inconsequential.

It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since the declaration “A Specially Prepared Soya Product” was not the common or usual name of an ingredient of the food.

On May 21, 1943, R. H. Thomas, Jr., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

Nos. 4933 to 4938 report actions involving alimentary pastes, samples of which were found to be contaminated with one or more types of filth, such as cat hairs, rodent hairs and rodent hair fragments, insect fragments, mouse pellets, coal and dirt fragments, wood splinters, and other miscellaneous filth. In addition, a portion of the product reported in No. 4933 contained an uncertified coal-tar color.

4933. Adulteration of alimentary pastes. U. S. v. 26 Boxes of Macaroni (and 3 additional seizure actions against alimentary paste products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9313, 9327, 9352, 9360. Sample Nos. 17153-F, 17155-F, 17157-F, 17158-F, 17181-F, 17182-F.)

Between February 5 and February 13, 1943, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 26 boxes of alimentary pastes at Brooklyn, N. Y., and 120 boxes of alimentary pastes at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about January 18 to 27, 1943, by the Capital Macaroni Mfg. Co. from Jersey City, N. J.; and charging that they were adulterated. The articles were labeled in part: “Capital Macaroni Brand Superior Quality Made from Pure Semolina.”

All lots were alleged to be adulterated in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. Three of the lots were alleged to be adulterated further in that they consisted in whole or in part of filthy substances. Portions were alleged to be adulterated also in that they contained a coal tar color other than one from a batch which had been certified in accordance with regulations as provided by law.

Within the period from March 4 to 17, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4934. Adulteration of macaroni products. U. S. v. 8 Cartons of Macaroni Products. Default decree of condemnation and destruction. (F. D. C. No. 9480. Sample No. 44915-F.)

On March 12, 1943, the United States attorney for the District of New Jersey filed a libel against 8 cartons, each containing 20 packages, of an article labeled in part “Made From Pure No. 1 Semolina Impero Brand * * * Fusilli [or “Cavatelli,” “Mafalda,” or “Margherite”],” at Montclair, N. J., alleging that the article had been shipped in interstate commerce on or about February 15, 1943, by the Impero Fusilli Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4935. Adulteration of macaroni. U. S. v. 35 Cartons of Macaroni (and 3 additional seizure actions against macaroni). Default decrees of condemnation and destruction. (F. D. C. Nos. 9511, 9512, 9845, 9846. Sample Nos. 44921-F, 44922-F, 45144-F, 45147-F.)

On March 12 and April 22, 1943, the United States attorney for the District of New Jersey filed libels against a total of 58 cartons of macaroni at Newark, N. J., and 21 cases and 42 cartons at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about February 22 and March 29, 1943, by the Refined Macaroni Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4936. Adulteration of macaroni. U. S. v. 14 Boxes of Macaroni (and 2 additional seizure actions against macaroni). Default decrees of condemnation and destruction. (F. D. C. Nos. 9458 to 9460, incl. Sample Nos. 17189-F, 17191-F, 17192-F, 18515-F.)

On March 2, 1943, the United States attorney for the District of New Jersey filed libels against a total of 38 boxes of macaroni at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 26 and February 3, 1943, by G. Santoro & Sons, Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Santoro Grade A Macaroni."

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4937. Adulteration of macaroni. U. S. v. 19 Cases and 8 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 9576. Sample No. 12950-F.)

This product had been stored under insanitary conditions after shipment and, when examined, the cases had been gnawed by rodents, mouse pellets were found on the cases, and the floor was covered with mouse pellets, debris, and macaroni which had spilled through rodent-gnawed holes in the packages. Examination of samples of the product showed the presence of mouse pellets and rodent hairs.

On March 29, 1943, the United States attorney for the District of Idaho filed a libel against 27 cases of macaroni at Lewiston, Idaho, in the possession of Morgan Bros. & Co., alleging that the article had been shipped in interstate commerce on or about September 30, 1942, from Spokane, Wash.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Taystie Brand Cut Macaroni * * * [or "Elbow Macaroni"]."

On April 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4938. Adulteration of spaghetti and macaroni. U. S. v. 282 Cases of Spaghetti and 237 Cases of Macaroni. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 9482. Sample Nos. 33611-F, 33612-F.)

On March 4, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 282 cases of spaghetti and 237 cases of elbow macaroni at Erie, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about December 14, 1942, to January 28, 1943, by the Gioia Macaroni Co. from Rochester, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The articles were labeled in part: "Brimful Brand Spaghetti [or "Elbows"] Distributed by Kitchen Products Inc. Chicago," or "Blue and White Elbows Macaroni [or "Spaghetti"]."

On June 22, 1943, the sole intervenor, the shipper, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4939. Misbranding of macaroni and spaghetti. U. S. v. 85 Cases of Macaroni and 147 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for relabeling and repackaging. (F. D. C. No. 9435. Sample Nos. 9775-F, 9776-F.)

This product was short of the declared weight.

On March 3, 1943, the United States attorney for the Northern District of Texas filed a libel against 85 cases of macaroni and 147 cases of spaghetti at Dallas, Tex.,

alleging that the articles had been shipped in interstate commerce on or about December 18, 1942, by the Gooch Food Products Co. from Lincoln, Nebr.; and charging that they were misbranded. They were labeled in part: (Package) "Gooch's Best 100% No. 1 Macaroni [or "Spaghetti"] * * * Net Weight 7 Oz."

The articles were alleged to be misbranded in that the statement "Net Weight 7 Oz." was false and misleading since it was incorrect, and in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 19, 1943, the Gooch Food Products Co. having appeared as claimant, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling and repackaging under the supervision of the Food and Drug Administration.

CHOCOLATE AND SUGAR PRODUCTS

CANDY

4940. Adulteration of candy. U. S. v. Jacques Vauzanges, an individual, acting as general manager of Chocolat-Menier. Plea of guilty. Fines, \$1,000 on count 1; \$500 on each of the remaining counts 2 to 9, inclusive, and 3 months imprisonment on each of the same counts, to run concurrently. Fines and prison sentences suspended on counts 2 to 9, inclusive, and defendant placed on probation for 2 years. (F. D. C. No. 9617. Sample Nos. 17184-F, 17185-F, 18413-F, 18414-F, 44565-F, 44566-F, 44571-F, 44573-F, 44574-F.)

Samples of this product were found to contain one or more of the following types of filth: Hairs similar to rodent hairs, rodent hair fragments, wood splinters, small fragments of dirt, metal fragments, carbon, pebbles, clay fragments, paper and paint fragments, rodent excreta fragments containing rodent hairs, rodent excreta, human hairs, insect fragments, and larvae capsules.

On May 12, 1943, the United States attorney for the District of New Jersey filed an information against Jacques Vauzanges, an individual acting as general manager of Chocolat-Menier at Hoboken, N. J., alleging shipment within the period from on or about January 27 to February 1, 1943, from the State of New Jersey into the States of New York and Connecticut of quantities of candy that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Chocolat Menier * * * Vanilla Creams [or "Sour Orange," "Peanut Clusters," "Plantation," "Chocolate Caramels," or "Maple Cream Walnut"]."

On June 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 on the first count. The court also imposed \$500 on each of counts 2 to 9, inclusive, and 3 months imprisonment on each of the same counts, the prison sentences to run concurrently. The fines and prison sentences on counts 2 to 9, inclusive, were suspended and the defendant was placed on probation for 2 years.

4941. Adulteration of candy. U. S. v. Phil Silvershein Corporation. Plea of guilty. Fine, \$1,000. (F. D. C. No. 8827. Sample Nos. 19083-F to 19085-F, incl.)

On May 13, 1942, the United States attorney for the Southern District of New York filed an information against the Phil Silvershein Corporation at New York City, N. Y., alleging shipment on or about December 22, 1942, from the State of New York into the State of New Jersey of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence in the food of rodent and other animal hair fragments, insect parts and fragments, larvae, and dirt, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Pineapple Clusters * * *," or "Pioneer Topnotch Confections Milk Chocolate Brazil Nut Fancies [or "Little Chunky"]."

On June 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

4942. Adulteration of candy. U. S. v. DeSoto Candy Co. Plea of nolo contendere. Fine, \$350. (F. D. C. No. 8818. Sample Nos. 28349-F, 28350-F, 29553-F.)

Samples of these products were found to contain rodent hair fragments, insect fragments, whole insects, and feather fragments.

On April 15, 1943, the United States attorney for the Southern District of Florida filed an information against the DeSoto Candy Co., a corporation, at Miami, Fla., alleging shipment within the period from on or about November 9 to 12, 1942, from the State of Florida into the State of Georgia of quantities of candies that were

adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Candies Made in Florida * * * Popcorn Bars [or "Peanut Square," or "Cocoanut Block"]."

On June 7, 1943, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of \$350.

4943. Adulteration of candy. U. S. v. Allen & Smith Co., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 8813. Sample Nos. 24370-F, 24515-F, 25259-F.)

Samples of this product were found to contain rodent hairs, hairs resembling rodent hairs, rodent pellet fragments, insects, and insect fragments.

On June 3, 1943, the United States attorney for the Eastern District of Virginia filed an information against the Allen & Smith Co., Inc., at Richmond, Va., alleging shipment within the period from on or about October 14 to November 3, 1942, from the State of Virginia into the States of West Virginia and Maryland of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Good Nuff Peanut [or "P'Nut"] Bars."

On June 14, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$75.

4944. Adulteration of candy. U. S. v. Henry Heide, Inc. Plea of guilty. Fine, \$75. (F. D. C. No. 8826. Sample Nos. 18461-F, 18464-F, 18465-F, 18469-F.)

This product contained rodent hair fragments, hairs resembling rodent hairs, wood splinters, dirt, metal fragments, and plant fibers.

On May 13, 1943, the United States attorney for the Southern District of New York filed an information against Henry Heide, Inc. at New York City, N. Y., alleging shipment on or about December 3, 1942, from the State of New York into the State of New Jersey of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Heide * * * Assorted Perfection Chocolates," "Quality Candies," "Heide's * * * Diamond Licorice Brand Gum Drops," or "Jujufruits."

On June 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75.

4945. Adulteration of candy. U. S. v. 16 Boxes of Candy (and 2 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9474 to 9476, incl. Sample Nos. 33425-F to 33427-F, incl., 33429-F.)

This product contained insect fragments and hairs resembling those of rodents or cats.

On March 4, 1943, the United States attorney for the District of New Jersey filed libels against a total of 100 boxes of candy at Patterson, N. J., alleging that the article had been shipped in interstate commerce on or about February 11, 1943, by G. Cella, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Boxes) "Andino Brand * * * Andino Chocolate Co., Inc.," or "Cella's 100% Liquid Cherries."

On June 21 and September 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4946. Adulteration of candy. U. S. v. 245 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9520. Sample No. 17060-F.)

On March 11, 1943, the United States attorney for the Northern District of New York filed a libel against 245 1-pound boxes of candy at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about January 14 and February 9, 1943, by the C. A. Briggs Co. from Cambridge, Mass.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insect fragments and rodent hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Aristo Chocolates" or "Old Cabin Sweets."

On May 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4947. Adulteration and misbranding of candy. U. S. v. 564 Boxes and 27 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9419. Sample Nos. 18591-F, 18593-F.)

On February 27, 1943, the United States attorney for the District of New Jersey filed a libel against 564 boxes, each containing 15 retail packages, and 27 cartons, each containing 200 retail packages, of candy at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 30, 1943, by the Delicia Chocolate & Candy Manufacturing Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Delicia 5¢ Filbert [or "Almond"] Cream Filled Bar 1 Oz. * * * The Good Name, 'Delicia,' stands out for tops in quality and purity of ingredients."

The article was alleged to be adulterated in that it consisted in whole or in part of filthy substances, rodent hair fragments and fragments resembling rodent or cat hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The article was alleged to be misbranded in that the statement, "The Good Name, 'Delicia,' stands for tops in quality and purity of ingredients," appearing on the labels was false and misleading as applied to an article that contained filth and that had been prepared under insanitary conditions.

One lot was alleged to be misbranded further in that the name "Almond Cream Filled Bar," the word "Almonds," and the statement, "Filled with the choicest of selected almonds," borne on the label were false and misleading as applied to the product, since it contained no almonds as such, but did contain a paste made from ground-up almonds and kernels of other nuts.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4948. Adulteration of candy. U. S. v. 154 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9714. Sample No. 33803-F.)

On March 27, 1943, the United States attorney for the Western District of New York filed a libel against 154 boxes of candy at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by the Akron Candy Co. from Bellevue, Ohio; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent hair fragments and fragments resembling rodent hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Boxes) "Dum-Dums, 11 Delicious Flavors 5' for 5¢."

On May 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4949. Misbranding of candy. U. S. v. 13 Boxes and 108 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9560. Sample Nos. 33522-F, 33523-F, 44926-F.)

This product was short of the declared weight, the boxes were larger than necessary, and the statements of weight were in very small type.

On March 17, 1943, the United States attorney for the District of New Jersey filed a libel against 121 boxes of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 26 and March 3, 1943, by the Loft Candy Corporation from Long Island City, N. Y.; and charging that it was misbranded. The article was labeled in part: (Small sticker on end of wrapper) "Milk Choc. Cherries 1 lb. Net," (box) "Loft Cherries 1 Pound Net."

The article was alleged to be misbranded (1) in that the statement "1 lb. Net" on the wrapper and on the box was false and misleading as applied to an article that was short-weight; (2) in that the container was so made, formed, and filled as to be misleading since the volume of the boxes was 77 cubic inches, whereas one layer of chocolate-covered cherries is usually packed in boxes containing 58 cubic inches; (3) in that it was in package form and failed to bear a label containing an accurate statement of the contents; and (4) in that the statement of the quantity of the contents, required by the act to appear on the label or labeling, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

4950. Misbranding of candy. U. S. v. 12 Cartons and 12 Cartons of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution or destroyed. (F. D. C. No. 9587. Sample Nos. 13275-F, 13276-F.)

On March 19, 1943, the United States attorney for the District of Oregon filed a libel against 12 cartons, each containing 1 small cedar chest of candy, and 12 cartons, each containing 1 small vanity chest of candy, at Portland, Oreg., alleging that the articles had been shipped in interstate commerce on or about February 24, 1943, by the Sterling Tobacco Co. from Seattle, Wash. (This shipment consisted of 2 lots of candy, originally shipped by the Acme Sales Co. from Portland, Oreg. to Seattle, Wash., which was returned by the consignees.)

The article was alleged to be misbranded (1) in that the containers were so made, formed, and filled as to be misleading since they were not reasonably well filled with candy and this fact was not apparent when the boxes were examined by the purchaser; (2) in that it was in package form and failed to bear a label containing (a) the name and place of business of the manufacturer, packer, or distributor, and (b) an accurate statement of the quantity of the contents; (3) in that the label failed to bear the common or usual name of the food; and (4) in that it was fabricated from two or more ingredients and its labels failed to bear the common or usual name of each ingredient.

On May 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution or destroyed.

4951. Misbranding of candy. U. S. v. 29 Packages of Candy. Consent decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 9146. Sample No. 15912-F.)

On March 1, 1943, the United States attorney for the District of Colorado filed a libel against 29 packages of candy at Denver, Colo., which had been shipped by A. Newberg & Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 20, 1943, from New York City, N. Y.

The article was alleged to be misbranded in that the principal container was so made, formed, and filled as to be misleading since the articles and candy boxes that it contained were so packed in the principal container and propped up therein as to make it appear to be packed full, whereas it was only partly filled; and in that the principal container contained loose candies, fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each of the ingredients.

On March 26, 1943, the shipper having signed an authorization for the taking of a final decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHOCOLATE PRODUCTS

4952. Adulteration and misbranding of chocolate sirup and cocoa substitutes. U. S. v. 50 Cases of Chocolate Syrup Substitute (and 2 additional seizure actions against chocolate sirup substitute and cocoa substitute). Default decrees of condemnation. One lot ordered distributed to a charitable institution; remaining lots ordered destroyed. (F. D. C. Nos. 9589, 10135, 10176. Sample Nos. 20401-F, 20685-F, 20687-F, 34539-F.)

Between March 19 and July 1, 1943, the United States attorneys for the District of Rhode Island, the District of Maine, and the Southern District of Florida filed libels against 50 cases, each containing 24 jars, of chocolate sirup substitute at Providence, R. I., 6 cases, each containing 24 jars, of chocolate sirup substitute and 10 cases, each containing 24 bags of cocoa substitute, at Gardiner, Maine, and 34 cases, each containing 24 jars, of chocolate sirup substitute at Miami, Fla., alleging that the articles had been shipped in interstate commerce within the period from on or about February 5 to 20, 1943, by J. B. Robinson from Cleveland, Ohio; and charging that they were adulterated and misbranded. They were labeled in part: (Jars) "Robinson's Sweet Chocolate Syrup Substitute," or (bags) "Robinson's Delicious Breakfast Cocoa Substitute Breakfast Drink."

The chocolate sirup substitute located at Gardiner, Maine, and Miami, Fla., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The cocoa substitute located at Gardiner, Maine, was alleged to be adulterated in that inferiority had been concealed by the addition of cocoa residues, chiefly cocoa shells, and in that cocoa shells had been added thereto or mixed or packed therewith so as to reduce its quality or strength, or make it appear better or of greater value than it was.

The chocolate sirup substitute located at Gardiner, Maine, and Miami, Fla., was alleged to be misbranded in that the statement "Chocolate Syrup Substitute," and the word "Cocoa" in the ingredient list were false and misleading as applied to a mixture of cocoa residues, chiefly cocoa shells, roasted cereals, sugar, water, artificial

vanillin, and sodium benzoate. The cocoa substitute was alleged to be misbranded in that the statement "Breakfast Cocoa Substitute" was false and misleading since the product, when brewed in a manner similar to cocoa, did not have any "cocoa" characteristics and would not be regarded as a "breakfast cocoa substitute."

The cocoa substitute and the portions of the chocolate sirup substitute at Gardiner, Maine, and Miami, Fla., were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since cocoa shells were not declared, and in that they contained artificial flavoring, vanillin, and failed to bear labeling stating that fact.

The chocolate sirup substitute located at Providence, R. I., was alleged to be misbranded in that the statements "Net Wt. 1 Lb." and "Net Wt. 1 Pt." appearing on the jars were false and misleading as applied to the article since it was short of the declared weight or volume, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between April 21 and August 23, 1943, no claimant having appeared, judgments of condemnation were entered. The product located at Providence, R. I., was ordered distributed to a charitable institution and the products located at Gardiner, Maine, and Miami, Fla., were ordered destroyed.

4953. Adulteration of cocoa beans. U. S. v. 225 Bags of Cocoa Beans. Consent decree of condemnation. Product ordered released under bond to be denatured and processed into soap stock. (F. D. C. No. 9416. Sample No. 18587-F.)

This product had become contaminated with chromic acid, after its receipt in interstate commerce, as a result of a leakage of chromic acid from a tank located on the floor above the room where it was stored.

On February 27, 1943, the United States attorney for the District of New Jersey filed a libel against 225 140-pound bags of cocoa beans at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, from New York, N. Y.; and charging that it was adulterated in that it contained an added deleterious substance, chromic acid, which might render it injurious to health.

On July 3, 1943, Samuel Cranston, having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and manufactured into soap stock.

SUGAR

4954. Adulteration of sugar. U. S. v. 79 Bags of Sugar. Default decree of condemnation and destruction. (F. D. C. No. 8661. Sample No. 6065-F.)

This product was being stored, after shipment, under insanitary conditions; many of the bags had been cut by rodents, and rodent pellets and what appeared to be rodent urine stains were noted on a large number of the bags.

On October 30, 1942, the United States attorney for the Western District of Arkansas filed a libel against 79 100-pound bags of sugar at Nashville, Ark., in the possession of the Wooten Grocery Co., alleging that the article had been shipped in interstate commerce on or about July 30, 1942, from Reserve, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Godchaux's Pure Cane Sugar * * * Extra Fine Granulated."

On January 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4955. Adulteration of cane sugar. U. S. v. 7½ Bags of Cane Sugar. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8185. Sample No. 4616-F.)

This product had been stored under insanitary conditions after shipment and, when examined, it was contaminated with rodent excreta pellets and rodent hairs, there were rodent pellets on and around the bags, and numerous bags showed rodent urine stains.

On August 22, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 7½ bags, each full bag containing 100 pounds, of cane sugar at Chattanooga, Tenn., alleging that it had been shipped on or about April 7, from New Orleans, La., and that it was in the possession of the C. D. Kenny Co. at Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and in that it had

been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "H. & E. Cane Sugar * * * Confectioners."

On December 9, 1942, the C. D. Kenny Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

4956. Adulteration of butter. U. S. v. 55 Boxes of Butter. Default decree of condemnation. All but one box ordered delivered to County Fat Salvage Unit for war purposes; remaining box subsequently condemned and ordered destroyed. (F. D. C. No. 8448. Sample No. 27524-F.)

On September 4, 1942, the United States attorney for the District of Nevada filed a libel against 55 boxes, each containing 30 1-pound cartons, of butter at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about August 25, 1942, by the Brooklawn Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance since it contained insect parts, rodent hairs, plant fiber, and nondescript dirt, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Carton) "Brooklawn Creamery Butter."

On April 9, 1943, the product having become moldy and rancid and unmarketable, the United States attorney and the claimant, the Brooklawn Creamery Co., entered into a stipulation authorizing and directing the marshal to deliver all but one box of the article to the County Fat Salvage Unit. On June 14, 1943, the Brooklawn Creamery Co. having withdrawn its answer and having consented to the entry of a decree, judgment of condemnation was entered with respect to the remaining box of the product and it was ordered destroyed.

4957. Adulteration of butter. U. S. v. 104 Cases, 6 Cases, and 14 Cases of Butter. Decree of condemnation. Product ordered released under bond conditioned that it be reworked into butter oil. (F. D. C. No. 9011. Sample No. 28261-F.)

This product contained excessive mold and filthy material.

On November 28, 1942, the United States attorney for the Northern District of Georgia filed a libel against 104 cases, each containing 30 1-pound rolls, and 20 cases, each containing 30 1-pound prints, of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 14, 1942, by Wilson & Co. from Beaumont, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: (Rolls) "Clear Brook Finest Creamery Butter," (prints) "Clearbrook Creamery Butter," or "Blue Bell Creamery Butter * * * Blue Bell Creameries Brenhan and Giddings, Texas."

On January 22, 1943, Wilson & Co. having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it might be reworked into butter oil under the supervision of the Food and Drug Administration. The reworked product was not satisfactory, and the product was sold to a rendering plant.

4958. Adulteration of butter. U. S. v. 9 Cases and 3 Cartons of Butter. Decrees of condemnation. One lot ordered released under bond for reworking. Remaining lot ordered denatured. (F. D. C. Nos. 8982, 10497. Sample Nos. 31722-F, 48465-F.)

On or about November 27, 1942, and August 19, 1943, the United States attorney for the Southern District of Ohio filed libels against 9 cases and 3 cartons of butter at Cincinnati, Ohio, which had been consigned on or about November 20, 1942, and August 13, 1943, alleging that the article had been shipped in interstate commerce by the Napoleon Creamery Co. from Napoleon, Ind.; and charging that it was adulterated. The article was labeled in part: (Wrappers) "Butter Countryside Farm Products Co. * * * Cincinnati, Ohio," or "Spring Dale Brand Creamery Butter."

One lot was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The remaining lot was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance, indicated by the presence of mold mycelia.

On December 1, 1942, the Napoleon Creamery Co., having appeared as claimant for the lot which was adulterated because of low milk fat content, and having consented to the entry of a decree, judgment of condemnation was entered and the prod-

uct was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

On October 9, 1943, no claimant having appeared for the remaining lot, judgment of condemnation was entered and the product was ordered denatured.

4959. Adulteration and misbranding of butter. U. S. v. 1 Case and 1 Case and 6 Cases of Butter. Default decrees of condemnation. One lot ordered distributed to a charitable institution. Remaining lot ordered disposed of according to the instructions of the War Production Board. (F. D. C. Nos. 9567, 10477. Sample Nos. 32629-F, 42177-F.)

On February 22 and July 21, 1943, the United States attorney for the Eastern District of Kentucky filed libels against 1 case of 50-pound prints and 1 case of 47-pound prints of butter at Maysville, Ky., and 6 cases, each containing 50 pounds, of butter at Covington, Ky., alleging that the article had been shipped in interstate commerce on or about February 10 and July 18, 1943, by French-Bauer, Inc., Cincinnati, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Carton) "One Pound Net Weight Clover Blossom Brand Creamery Butter."

The lot located at Covington, Ky., was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance, since analysis of a sample showed the product to have a high mold mycelia count which was conclusive evidence of decomposition.

The lot located at Maysville, Ky., was alleged to be misbranded in that the prints did not contain "One pound net," as labeled.

On March 22 and August 11, 1943, no claimant having appeared, judgments of condemnation were entered and the lot located at Maysville, Ky., was ordered delivered to a charitable institution. The lot located at Covington, Ky., was ordered to be disposed of according to the instructions of the War Production Board.

4960. Adulteration of butter. U. S. v. John Porter Castleberry (Cedar Hill Farms). Plea of guilty. Fine, \$50. (F. D. C. No. 8801. Sample Nos. 4796-F, 4797-F.)

On February 17, 1943, the United States attorney for the Southern District of Ohio filed an information against John Porter Castleberry, trading as Cedar Hill Farms at Mariemont, Ohio, alleging shipment on or about September 4 and 9, 1942, from the State of Ohio into the State of Kentucky of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Cartons and wrappers) "Regal Brand Creamery Butter * * * Distributed By Regal Stores Cincinnati, Ohio (or Indianapolis, Ind.)."

On July 1, 1943, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$50.

4961. Adulteration of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 8981. Sample No. 10811-F.)

On November 20, 1942, the United States attorney for the Northern District of California filed a libel against 9 64-pound tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 30, 1942, by the Land O'Lakes Creameries, Inc., from Chicago, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributed by the Kroger Grocery & Baking Co. * * * Chicago."

On December 31, 1942, the Land O'Lakes Creameries, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4962. Adulteration of butter. U. S. v. 35 Tubs and 2 Boxes of Butter. Decrees of condemnation. One lot ordered released under bond for reworking; remaining lot ordered sold to the highest bidder for use for non-food purposes. (F. D. C. Nos. 9570, 9966. Sample Nos. 38116-F, 38260-F.)

On March 5 and April 5, 1943, the United States attorney for the Northern District of Illinois filed libels against 35 tubs and 2 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 2 and March 26, 1943, by the Spooner Cooperative Creamery Co., from Spooner, Wis.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 16, 1943, the Kroger Grocery & Baking Co. of Chicago, Ill., having appeared as claimant for the 35 tubs of butter and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered re-

leased under bond for reworking under the supervision of the Food and Drug Administration.

On May 21, 1943, no claimant having appeared for the 2 boxes of butter, judgment of condemnation was entered and the product was ordered sold to the highest bidder for use for non-food purposes.

4963. Adulteration of butter. U. S. v. 322 Pounds of Butter. Default decree of condemnation. Product ordered sold to a rendering company. (F. D. C. No. 9565. Sample No. 20206-F.)

On March 2, 1943, the United States attorney for the District of New Hampshire filed a libel against 322 pounds of butter at Manchester, N. H., alleging that the article had been shipped in interstate commerce on or about February 7, 1943, by the Wells River Creamery from Wells River, Vt.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter."

On April 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a rendering company.

4964. Adulteration of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9564. Sample Nos. 14961-F, 14962-F.)

On February 12, 1943, the United States attorney for the Southern District of California filed a libel against 33 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 5, 1943, by the Riverview Damascus Milk Co. from Portland, Oreg.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Packed by Nampa Creamery Company Nampa, Idaho."

On February 19, 1943, the Carnation Company of Los Angeles, Calif., having appeared as claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4965. Adulteration of butter. U. S. v. 33 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9563. Sample No. 14810-F.)

On February 22, 1943, the United States attorney for the Southern District of California filed a libel against 33 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 28, 1943, by the Red River Valley Cooperative Marketing Assn., from Hillsboro, N. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Hatton Cooperative Creamery Hatton, N. Dak."

On March 5, 1943, S. H. Alexander of Glendale, Calif., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4966. Adulteration of butter. U. S. v. 22 Cubes of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9562. Sample No. 11061-F.)

On February 18, 1943, the United States attorney for the Northern District of California filed a libel against 22 cubes, weighing from 61 to 66 pounds, of butter, at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about January 7, 1943, by the Carnation Co. from Tulsa, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 4, 1943, the Carnation Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4967. Adulteration of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9468. Sample Nos. 30540-F, 30542-F.)

On February 1, 1943, the United States attorney for the Western District of Washington filed a libel against 20 cases, each containing 50 1-pound prints, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 22, 1943, by the Farmers Union Creamery from Dickinson, N. Dak.; and charging that it was adulterated in that a product containing less

than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Print) "Dairy Maid Brand Fancy Creamery Butter * * * By Enoch Schultz Creamery Bismarck—North Dakota."

On February 8, 1943, the Enoch Schultz Creamery of Bismarck, N. Dak., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4968. Adulteration of butter. U. S. v. 11 Boxes of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9466. Sample No. 19841-F.)

On January 30, 1943, the United States attorney for the District of Massachusetts filed a libel against 11 54-pound boxes of butter at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about January 13, 1943, by the Farmers' Cooperative Creamery Association from Big Rapids, Mich.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 19, 1943, the Farmers' Cooperative Creamery Association having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent by weight of milk fat.

4969. Misbranding of butter. U. S. v. 5 Cases and 1 Case of Butter. Default decree of condemnation. Product ordered distributed to a charitable institution. (F. D. C. No. 9569. Sample No. 32637-F.)

This product was short weight.

On March 1, 1943, the United States attorney for the Eastern District of Kentucky filed a libel against 5 32-pound cases and 1 19-pound case of butter at Ashland, Ky., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by the Blue Valley Creamery from Columbus, Ohio; and charging that it was misbranded. The article was labeled in part: (Individual print wrapper) "Blue Valley Butter * * * 8 Ounces Net Weight."

The article was alleged to be misbranded in that the prints did not contain 8 ounces net weight as labeled.

On March 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CHEESE

Nos. 4970 to 4975 report seizures involving cheese, samples of which were found to be contaminated with one or more types of filth, such as unidentified hairs and rodent hairs, rodent hair fragments, insect fragments, fibrous plant particles, straw, small pieces of metal, and nondescript dirt. In most instances, contamination resulted from preparation of the product under insanitary conditions.

4970. Adulteration of Cheddar cheese. U. S. v. 21½ Boxes and 38½ Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 7969. Sample Nos. 9204-F, 9205-F.)

On July 22, 1942, the United States attorney for the Southern District of Alabama filed a libel against a total of 59 boxes and 2 half-boxes of Cheddar cheese at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 21 and 22, 1942, by Armour Creameries from New Albany, Miss.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Armour's Cloverbloom American Cheddar Cheese."

On January 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4971. Adulteration of Cheddar cheese. U. S. v. 42 Boxes of White Cheddar Cheese. Default decree of condemnation. Product ordered sold. (F. D. C. No. 7771. Sample No. 86577-E)

On June 16, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 42 boxes of white Cheddar cheese at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about May 13, 1942, by Schmidt Bros. from Orangeville, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On September 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 12, 1943, the order of condemnation was amended providing for the sale of the product to the highest bidder for use other than for human consumption.

4972. Adulteration of Cheddar cheese. U. S. v. 45 Boxes of White Cheddar Cheese. Default decree of condemnation. Product ordered sold. (F. D. C. No. 7779. Sample No. 86579-E.)

On June 17, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 45 boxes of white Cheddar cheese at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about May 15, 1942, by the Davis Cheese Co. from Davis, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 12, 1943, the order of condemnation was amended providing for sale of the product to the highest bidder for purposes other than for human consumption.

4973. Adulteration of Cheddar cheese. U. S. v. 107 Hoops and 8 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. Nos. 7890, 7891. Sample Nos. 7301-F, 7302-F, 7401-F.)

On July 14, 1942, the United States attorney for the District of Minnesota filed libels against 107 hoops of Cheddar cheese at South St. Paul, Minn., and 8 boxes of cheese at Pine Island, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about June 15 to 30, 1942, by the John Stettler Estate, Riceville, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On November 14, 1942, Elise Stettler, as administratrix of the estate of John Stettler, filed an answer denying the allegation of adulteration. On June 14, 1943, the claimant having filed a new answer admitting the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration. It was denatured and disposed of for animal feed.

4974. Adulteration of Cheddar cheese. U. S. v. 127 Boxes of Cheese. Default decree of condemnation. Product ordered sold. (F. D. C. No. 7965. Sample No. 7210-F.)

On July 23, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 127 71-pound boxes of cheese at Fennimore, Wis., alleging that the article had been shipped in interstate commerce on or about July 8, 1942, by the Gunder Cooperative Cheese Factory from Gunder, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Cheese) "AJG Cheddar Cheese Iowa Cheese Graders No. 160."

On September 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 12, 1943, the order of condemnation was amended providing for the sale of the product to the highest bidder for use other than for human consumption.

4975. Adulteration of Cheddar cheese. U. S. v. 168 Cheeses. Default decree of condemnation. Product ordered sold. (F. D. C. No. 8283. Sample No. 7717-F.)

On August 29, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 168 cheeses at Thorp, Wis., alleging that the article had been shipped in interstate commerce on or about July 17, 1942, by Stuart C. Johnsrud from Cresco, Iowa; and charging that it was adulterated in that it consisted in whole or in part of filthy substances and decomposed substances caused by gassy fermentation.

On September 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 12, 1943, the order of condemnation was amended providing for the sale of the product to the highest bidder for use for other than human consumption.

4976. Adulteration and misbranding of Cheddar cheese. U. S. v. 8 Daises (in cases) of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9249. Sample No. 9841-F.)

On January 29, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 8 daises of Cheddar cheese (in cases) at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about

December 26, 1942, by Swift & Co., from Springfield, Mo.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a valuable constituent, milk fat, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since it contained, in its solids, less than 50 percent of milk fat as required by such regulations.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS

4977. Adulteration of cream. U. S. v. 2 10-Gallon Cans of Cream (and 9 additional seizure actions against cream). Consent decrees of condemnation and destruction. Amended decree ordering product delivered to creamery for salvage of the milk fat and its sale for war purposes. (F. D. C. Nos. 9288, 9291 to 9295, incl., 9297 to 9300, incl. Sample Nos. 15244-F, 15256-F, 15941-F, 15944-F, 15946-F, 15948-F, 15951-F, 15954-F to 15957-F, incl., 15959-F, 15960-F, 16116-F, 16120-F, 16121-F, 16123-F.)

Between January 4 and 12, 1943, the United States attorney for the District of Colorado filed 10 libels against a total of 50 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about December 30, 1942, to January 9, 1943, by the Cooperative Union Mercantile Co. from Blackwolf, Kans., Klein Produce from Goodland, Kans., Bert E. Smith from York, Nebr., A. L. Bangert from Big Springs, Nebr., Campbell Produce from Berkelman, Nebr., Stensvad Poultry Co. from North Platt, Nebr., Beauty Girl Non-Stock Cooperative from Gering, Nebr., M. F. Brestel from Brady Island, Nebr., L. M. Strickler from Wheatland, Wyo., Glen L. Horney from Brewster, Kans., Fred J. Toll from Sharon Springs, Kans., Clyde Adams from St. Francis, Kans., Milt's Produce from Colby, Kans., and Ernest Roloff from Oshkosh, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Between January 4 and 12, 1943, the consignees having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed. On January 13, 1943, an amended decree was entered setting aside the orders of destruction and ordering delivery of the cream to a creamery for salvaging the milk fat and selling it for war purposes.

4978. Adulteration of cream. U. S. v. 2 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. 9465. Sample No. 15922-F.)

On February 8, 1943, the United States attorney for the District of Colorado filed a libel against 2 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about January 14, 1943, by Milt's Produce from Colby, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 8, 1943, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the product destroyed.

4979. Adulteration of cream. U. S. v. 3 10-Gallon Cans and 1 10-Gallon Can of Cream. Consent decrees of condemnation. Product ordered destroyed. (F. D. C. No. 9571, 9572. Sample Nos. 15611-F, 15969-F.)

On or about February 26 and March 2, 1943, the United States attorney for the District of Colorado filed libels against 4 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about February 15 and 17, 1943, by Plettner Bros. from Friend, Nebr., and Bert E. Smith from York, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On the same dates as the institution of the actions, the consignees having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

4980. Adulteration and misbranding of imitation butter. U. S. v. 92 Cartons of an Article Labeled in Part "Hood's Creamery Pack," (and 3 additional seizure actions against other lots of the same product). Decrees of condemnation. Product ordered sold to a rendering plant. (F. D. C. Nos. 9598, 9716, 9717, 9719. Sample Nos. 20413-F, 20467-F to 20471-F, incl.)

This product was a smooth, light yellow or cream-colored paste with a butter-like taste. It contained gum, gelatin, and artificial color. The average butterfat content of the samples ranged from 28.31 to 33.01 percent, and average moisture from 54.99 to 60.12 percent.

On March 24 and 30, 1943, the United States attorneys for the Districts of Maine, Rhode Island, and New Hampshire filed libels against 251 cartons of imitation butter at Portland, Maine, 9 cases at Providence, R. I., and 117 cartons at Manchester, N. H., alleging that the article had been shipped in interstate commerce within the period from on or about March 15 to 17, 1943, by H. P. Hood & Sons from Charlestown, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Net Weight—One Pound Hood's Creamery Pack Contains Butterfat and Milk Solids, obtained from cream and milk, with color, stabilizer and salt added."

The article was alleged to be adulterated (1) in that it purported to be butter and a valuable constituent, fat, had been in whole or in part omitted therefrom; (2) in that water had been substituted in part for butterfat; (3) in that inferiority had been concealed by the addition of gum and gelatin; and (4) in that water had been added thereto or mixed or packed therewith so as to increase its weight and reduce its quality.

It was alleged to be misbranded (1) in that the name "Creamery Pack" was false and misleading as applied to the article; (2) in that it was an imitation of another food, butter, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (3) in that its label failed to bear the common or usual name of the food; and (4) in that it had been fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On April 9, 1943, the cases instituted in the Districts of New Hampshire and Rhode Island were transferred to the District of Maine and consolidated with the lot seized at Auburn, Maine. On July 13, 1943, the consolidated cases and the case involving the lot seized at Portland, Maine, were called and heard and, the claimant having assented, judgments of condemnation were entered and the product was ordered sold to a rendering plant.

4981. Adulteration of oleomargarine. U. S. v. 31 Cases of Vegetable Oleomargarine. Default decree of condemnation and destruction. (F. D. C. No. 9176. Sample No. 7098-F.)

On January 12, 1943, the United States attorney for the Southern District of Illinois filed a libel against 31 cases, each containing 32 cartons, of oleomargarine at Granite City, Ill., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the Blanton Co., St. Louis, Mo.; and charging that it was misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulation promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 80 percent of fat. The article was labeled in part: (Carton) "Packed for Tri-City Grocery Co. Granite City, Illinois."

On March 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS

4982. Adulteration of whole eggs. U. S. v. Marshall Kirby & Co. Plea of guilty. Fine, \$200. (F. D. C. No. 7672. Sample No. 84220-E.)

On February 10, 1943, the United States attorney for the Southern District of Indiana filed an information against Marshall Kirby & Co., a corporation, at Terre Haute, Ind., alleging shipment on or about December 5, 1941, from the State of Indiana into the State of New York of a quantity of whole eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On June 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

4983. Adulteration of frozen whole eggs. U. S. v. 6,800 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8357. Sample Nos. 6209-F to 6212-F, incl., 7024-F to 7028-F, incl.)

On September 15, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 6,800 30-pound cans of frozen whole eggs at National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce in the period from on or about May 22 to July 24, 1942, by Marshall Kirby & Co., from Terre Haute, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 6, 1942, Marshall Kirby & Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released

under bond for segregation of the fit portion from the unfit portion and destruction of the latter under the supervision of the Federal Security Agency.

4984. Adulteration of frozen whole eggs. U. S. v. 1,954 Cans of Frozen Whole Eggs. Product ordered released under bond for segregation of the fit portion from the unfit portion and disposal of the latter for purposes other than human consumption. (F. D. C. No. 9049. Sample No. 9566-F.)

On December 12, 1942, the United States attorney for the Northern District of Alabama filed a libel against 1,954 cans, each containing 30 pounds, of frozen whole eggs at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about December 3, 1942, by L. D. Schreiber & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 4, 1943, L. D. Schreiber & Co., having appeared as claimant, the court ordered the marshal to deliver the product to the claimant upon the execution of a bond conditioned that the product be inspected and the good portion segregated from the bad at the premises where seized, but that if removal were necessary or desirable an additional bond be posted conditioned upon disposition of the product under the supervision of the Food and Drug Administration. On January 12, 1943, the product having been inspected and sorted as directed, and 1,261 cans having been found to be fit for food, they were ordered released to the claimant and the 692 unfit cans were ordered disposed of for purposes other than human consumption.

4985. Adulteration of eggs. U. S. v. 210 Cases of Eggs. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9413. Sample No. 14638-F.)

On February 22, 1943, the United States attorney for the Southern District of California filed a libel against 210 cases, each containing 30 dozen eggs, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 3, 1943, by Midwest Cold Storage from Kansas City, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Distributed by Joe Olson, Inc. Kansas City, Kans."

On March 19, 1943, West Coast Marketing, Inc., of Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

4986. Adulteration of dried eggs. U. S. v. 5 Barrels, 19 Barrels, and 1 Barrel of Dried Eggs. Default decrees of condemnation and destruction. (F. D. C. Nos. 9602, 9603, 9866. Sample Nos. 37941-F, 37942-F, 44210-F.)

On March 24 and April 26, 1943, the United States attorneys for the Northern District of Illinois and the Eastern District of New York filed libels against 24 barrels of dried whole eggs at Chicago, Ill., and 1 barrel at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 2 to March 6, 1943, by the Monark Food Products Co. from Hutchinson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 1 and 3, 1943, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4987. Adulteration and misbranding of frozen egg yolks with added sugar. U. S. v. Marshall Kirby Co. Plea of guilty. Fine, \$100. (F. D. C. No. 8812. Sample Nos. 31373-E, 31377-E.)

On February 11, 1943, the United States attorney for the Southern District of Indiana filed an information against Marshall Kirby & Co., a corporation, at Terre Haute, Ind., alleging shipment on or about May 10, 1941, from the State of Indiana into the State of Michigan of a quantity of adulterated and misbranded frozen egg yolks with added sugar.

The article was alleged to be adulterated in that a substance consisting of egg yolks, added egg white, and approximately 10 percent of sugar had been substituted for egg yolks with approximately 10 percent of sugar added, which it was represented to be.

It was alleged to be misbranded in that the statement, "Frozen Egg Yolks with approx. 10% Sugar added," appearing on the label, was false and misleading as applied to a product consisting of a mixture of egg yolks and added egg white with approximately 10 percent of sugar added.

On June 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

FEED

4988. Adulteration and misbranding of alfalfa meal. U. S. v. 246 Sacks of Alfalfa Meal. Default decree of condemnation and destruction. Product relabeled and disposed of as feed. (F. D. C. No. 9426. Sample No. 27923-F.)

On February 24, 1943, the United States attorney for the Western District of Wisconsin filed a libel against 246 100-pound sacks of alfalfa meal at Phillips, Wis., alleging that the article had been shipped in interstate commerce on or about December 11, 1942, by the Tremaine Alfalfa Milling Co. from Mesa, Ariz.; and charging that it was adulterated and misbranded. It was labeled in part: (Tag) "Salt River Valley Brand Alfalfa Meal Guaranteed Analysis Crude Protein, not less than.... 13.0 per cent * * * Crude Fibre, not more than.... 33.0 per cent."

The article was alleged to be adulterated in that alfalfa stem meal had been substituted wholly or in part for alfalfa meal, which it purported and was represented to be.

It was alleged to be misbranded in that the name "Alfalfa Meal" was false and misleading as applied to alfalfa stem meal, and in that the statements, "Crude Protein, not less than 13.0 per cent * * * Crude Fibre, not more than 33.0 per cent," were false and misleading as applied to the article, since it contained less protein and more fibre than declared on the label.

On June 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. With the consent of the court, arrangements were made to dispose of the product as animal feed under proper labeling.

4989. Misbranding of alfalfa meal. U. S. v. Saunders Mills, Inc. Plea of nolo contendere. Fine, \$305 and costs. (F. D. C. No. 8795. Sample Nos. 26485-F, 26486-F.)

On February 16, 1943, the United States attorney for the Northern District of Ohio filed an information against the Saunders Mills, Inc., Toledo, Ohio, alleging shipment on or about August 21 and 31, 1942, from the State of Ohio into the State of Maryland of quantities of alfalfa meal that was misbranded. The article was labeled in part: (Tag) "Carotene Brand Dehydrated Alfalfa Meal."

The article was alleged to be misbranded in that the statement, "Crude Protein not less than 17.0 Per Cent * * * Crude Fiber not more than 28.0 Per Cent," borne on the tag was false and misleading since it contained less than 17 percent of protein and more than 28 percent of crude fiber, the 2 shipments having been found to contain 14.83 and 16.63 percent, respectively, of crude protein, and 33.65 and 31.35 percent, respectively, of crude fiber.

On April 30, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300 on the first count, \$5 on the second count, and assessed costs of the proceeding.

4990. Adulteration and misbranding of animal and poultry feed. U. S. v. Consolidated Products Co. Plea of guilty. Fine, \$150. (F. D. C. No. 6468. Sample Nos. 24697-E to 24699-E, incl.)

On September 29, 1942, the United States attorney for the Southern District of Ohio filed an information against the Consolidated Products Co., a corporation, Cincinnati, Ohio, alleging shipment on or about February 20, 1941, from the State of Ohio into the State of New Jersey of quantities of animal and poultry feed that was adulterated and misbranded. The articles were labeled in part: "Semi-Solid—'E'— Emulsion A Condensed Buttermilk Feed For (Poultry and Animals) * * * Vitamin D * * * 3,600 Units," "Mixer-Mulsion A Buttermilk Vitamin Product For Poultry and Animal Feed * * * Vitamin A * * * 80,000 Units Vitamin D * * * 10,890 Units," or "Semi-Solid Chick Emulsion A Condensed Buttermilk Feed for (Poultry and Animals) * * * Vitamin D * * * 1,800 Units."

The "Semi-Solid—'E'— Emulsion" was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom since it was represented to contain not less than 3,600 units of vitamin D per pound, whereas it contained not more than 3,000 units of vitamin D per pound. It was alleged to be misbranded in that the statement on the label "Minimum Analysis Per Pound * * * Vitamin D 3,600 Units" was false and misleading since it contained not more than 3,000 units of vitamin D per pound.

The "Mixer-Mulsion" was alleged to be adulterated in that valuable constituents, vitamins A and D, had been in part omitted or abstracted therefrom since it was represented to contain not less than 80,000 units of vitamin A per pound and not less than 10,890 units of vitamin D per pound, whereas it contained not more than 61,690 units of vitamin A per pound and not more than 9,000 units of vitamin D per pound. It was alleged to be misbranded in that the statements, "Minimum Analysis Per Pound * * * Vitamin A 80,000 Units, Vitamin D 10,890 Units," were false and

misleading since the article contained not more than 61,890 units of vitamin A per pound and not more than 9,000 units of vitamin D per pound.

The "Semi-Solid Chick Emulsion" was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom since it was represented to contain not less than 1,800 units of vitamin D per pound, whereas it contained not more than 1,500 units of vitamin D per pound. It was alleged to be misbranded in that the statement, "Minimum Analysis Per Pound * * * Vitamin D 1,800," appearing on the label, was false and misleading since the article contained not more than 1,500 units of vitamin D per pound.

On October 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 on each of the six counts of the information.

4991. Misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co. (Hobart Cotton Oil Co.) Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 7718. Sample Nos. 73741-E, 73742-E.)

This product was short in protein, a portion containing only 39.19 percent of protein, and the remainder containing but 39.31 percent of protein.

On November 2, 1942, the United States attorney for the Western District of Oklahoma filed an information against the Chickasha Cotton Oil Co., a corporation trading as Hobart Cotton Oil Co. at Hobart, Okla., alleging shipment on or about March 23, 1942, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake or meal that was misbranded. The article was labeled in part: "Chickasha Quality 43.00% Protein Cottonseed Cake or Meal * * * Guaranteed Analysis Protein, not less than . . . 43.00%."

The product was alleged to be misbranded in that the statement, "43.00% Protein * * * Guaranteed Analysis Protein, not less than . . . 43.00%," borne on the tag, was false and misleading since it contained less than 43 percent of protein.

On November 19, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and \$20 costs.

4992. Misbranding of No Milk Calf Food. U. S. v. 1,394 Bags of No Milk Calf Food. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9200. Sample No. 7952-F.)

On January 21, 1943, the United States attorney for the District of Minnesota filed a libel against 1,394 25-pound bags of an article labeled in part, "No Milk Calf Food," at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about December 14, 1942, by the National Food Co., from Fond du Lac, Wis.

The article was alleged to be misbranded in that reference to "No Milk" in the name of the article, and the following statements in the circulars, "No-Milk Calf Food Raises Calves Without Milk * * * The Perfect Milk Substitute * * * One Quart NO-MILK GRUEL takes the place of one quart of whole milk. * * * a 100-lb. bag of NO-MILK Calf Food replaces 1,000 lbs. of whole milk * * * The profit you make on your veal calves is determined by the number of pounds you can make them gain before market time. You can raise them cheaply on No-Milk Calf Food to a size that will bring a better price and a profit to you," were false and misleading since they represented and suggested that calves could be raised with the product, without milk, and that it was nutritionally equivalent to milk, whereas calves cannot be raised without milk, the article is not nutritionally equivalent to milk, and it cannot fulfill the promises of benefit held out and suggested by the statements.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs reported in Drugs and Devices Notices of Judgment.

On January 27, 1943, the National Food Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

4993. Adulteration of fish. U. S. v. Progressive Fish Wharf, Inc. (Progressive Fish Co. and Progressive Fillet Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 7257. Sample Nos. 5599-E, 65506-E, 65593-E, 67293-E.)

On July 6, 1942, the United States attorney for the District of Massachusetts filed an information against the Progressive Fish Wharf, Inc., also trading as the Progressive Fish Co. and the Progressive Fillet Co., at Gloucester, Mass., alleging shipment within the period from on or about August 6 to September 22, 1941, from the State of Massachusetts into the States of Ohio, Colorado, and Iowa of a quantity of fish that was adulterated in that it consisted in whole or in part of a putrid and

decomposed substance. The article was labeled in part: "H & G Whiting Frosted Fish."

On August 10, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

4994. Adulteration of frozen whiting. U. S. v. 405 Cartons of H & G Whiting. Consent decree of condemnation and destruction. (F. D. C. Nos. 9316, 9317. Sample No. 16140-F.)

On or about February 9, 1943, the United States attorney for the District of Colorado filed a libel against 405 "5-10"-pound cartons of fish at Pueblo, Colo., that had been shipped by the 40-Fathom Fish, Inc., alleging that the article had been shipped on or about October 27, 1942, from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cartons) "H & G Whiting Packed by General Seafood Corporation, Boston, Mass."

On May 1, 1943, the General Seafood Corporation of Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4995. Adulteration of rosefish fillets. U. S. v. 408 Boxes of Rosefish Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 8528. Sample No. 1844-F.)

On October 8, 1942, the United States attorney for the Northern District of Illinois filed a libel against 408 10-pound boxes of rosefish fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by the Gloucester Ice and Cold Storage, Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Rose Fish Frosted Fillets Baxter & Kerr, Inc., Gloucester, Mass."

On June 25, 1943, the shipper and consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

4996. Adulteration of frozen cod fillets. U. S. v. 521 Boxes and 39 Boxes of Frozen Cod Fillets. Consent decree of condemnation. Product ordered released under bond for use as animal feed or fertilizer. (F. D. C. No. 9558. Sample No. 13561-F.)

On March 18, 1943, the United States attorney for the District of Oregon filed a libel against a total of 560 boxes of frozen cod fillets at Albany, Oreg., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by San Juan Fishing & Packing Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, worms and decomposed fillets. A portion of the article was labeled in part: "Cod Fillets * * * Packed in Canada." The remainder of the article was unlabeled.

On July 12, 1943, the San Juan Fishing & Packing Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for use as animal feed or fertilizer, under the supervision of the Food and Drug Administration.

4997. Adulteration of frozen shrimp. U. S. v. 88 Bags and 78 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. Nos. 9273, 9328. Sample Nos. 18898-F to 18900-F, incl.)

On February 2 and 8, 1943, the United States attorney for the Southern District of New York filed a libel against 166 10-pound bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 11 and 22, 1942, by W. M. Wells and Son from Southport, N. C., and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4998. Adulteration of frozen shrimp. U. S. v. 24 Cases of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9585. Sample No. 44533-F.)

On March 18, 1943, the United States attorney for the District of New Jersey filed a libel against 24 cases, each containing 18 cartons, of frozen shrimp at Patterson, N. J., alleging that the article had been shipped in interstate commerce on or about March 9, 1943, by A. W. Haff & Co. from New York City, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4999. Adulteration of frozen shrimp. U. S. v. 2 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9485. Sample No. 37204-F.)

On March 4, 1943, the United States attorney for the District of Maryland filed a libel against 2 boxes, each containing 22 5-pound bags, of frozen shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 10, 1943, by the Penn Ice Mfg. & Coal Co. from North Wildwood, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5000. Adulteration of raw headless shrimp. U. S. v. 2 Barrels and 360 Boxes of Raw Headless Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9519. Sample No. 29070-F.)

On March 9, 1943, the United States attorney for the Northern District of Georgia filed a libel against 2 barrels, containing a total of 2,000 pounds, and 360 unlabeled boxes, each containing 5 pounds, of raw headless shrimp at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 1, 1943, by the Graham Seafood Co. of Coden, Ala., from Irvington, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5001. Adulteration of canned sardines. U. S. v. 133 Cases of Canned Sardines (and 2 additional seizure actions against sardines). Decrees of condemnation. Two lots ordered released under bond for segregation of the fit from the unfit portion and destruction of the latter. Remaining lot ordered destroyed. (F. D. C. Nos. 7141, 7142, 7379. Sample Nos. 89076-E, 89085-E, 89400-E, 90726-E.)

Between April 2 and 23, 1943, the United States attorneys for the District of Massachusetts and the Eastern and Southern Districts of New York filed libels against 133 cases of sardines at East Cambridge, Mass., 998 cases of sardines at Brooklyn, N. Y., and 498 cases of sardines at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about December 13, 1941, to January 29, 1942, by the California Packing Corporation from Monterey, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Del Monte California Sardines."

On July 19, 1943, the claimant having failed to answer the allegations of the libel filed at East Cambridge, Mass., judgment of condemnation was entered and the product was ordered destroyed.

On or about August 9, 1943, the California Packing Corporation, having admitted to the allegations of the remaining libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be segregated according to codes and re-examined, and that those codes found to be fit for human consumption be released and the remainder destroyed or disposed of in a manner approved by the Food and Drug Administration.

5002. Adulteration of canned crab meat. U. S. v. 49 Cases of Canned Crab Meat (and 3 additional seizure actions against canned crab meat). Default decrees of condemnation and destruction. (F. D. C. Nos. 9319, 9320, 9556, 9600. Sample Nos. 9576-F, 9844-F, 9900-F, 23186-F.)

This product was decomposed. One lot was undergoing progressive spoilage.

On February 5 and March 15 and 23, 1943, the United States attorneys for the Middle and Eastern Districts of Pennsylvania, the Western District of Texas, and the Northern District of Illinois filed libels against 49 cases of canned crab meat at Sunbury, Pa., 47 cases at York, Pa., 16 cases at Lancaster, Pa., and 39 cases at San Antonio, Tex., which had been consigned by the Cutcher Canning Co., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to 28, 1943, from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Nearby * * * [or "Nearby Clam Meat"] American Crab Meat."

On August 18 and 19 and September 23, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5003. Misbranding of crab meat. U. S. v. 26 Cases of Crab Meat. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 9047, 9048. Sample Nos. 17426-F, 17427-F.)

On or about December 29, 1942, the United States attorney for the Southern District of New York filed a libel against 26 cases, each containing 96 cans, of crab meat at New York City, N. Y., alleging that the article had been shipped in interstate commerce on or about May 25, 1942, by P. V. Bright & Co., from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "King Brand Fancy Quality Deep Sea Crab Meat * * * Distributors Bjelland, Lange & Co. Inc., New York, N. Y. U.S.A. Packed in Siberia, Soviet Russia."

The article was alleged to be misbranded in that the statement "Packed in Siberia, Soviet Russia" was false and misleading as the said article was packed in Japan.

On January 19, 1943, the Bjelland, Lange & Co. Inc., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling by placing a sticker label of pronounced contrast on the background, the sticker to contain the legend "Packed in Japan" over the then present label "Packed in Siberia, Soviet Russia," the relabeling to be conducted under the supervision of the Food and Drug Administration.

FLAVORS AND SPICES

5004. Poppy Seed. Suit for a declaratory judgment. Helco Products Co., Inc. v. Paul V. McNutt, Federal Security Administrator, and Francis Biddle, Attorney General. Complaint dismissed. Judgment of lower court affirmed by Court of Appeals.

On March 5, 1942, Helco Products Co., Inc., New York, N. Y., filed in the District Court of the United States for the District of Columbia a suit for a declaratory judgment with which was joined an application for a preliminary injunction against Paul V. McNutt, Federal Security Administrator, demanding: (1) That the court declare that the Federal Food, Drug, and Cosmetic Act does not prohibit the interstate shipment of artificially colored poppy seed properly labeled. (2) That the court grant an injunction pendente lite restraining the defendant and his agents from instituting or recommending the institution of legal proceedings, either civil or criminal, against the plaintiff in its shipment of artificially colored poppy seed.

On June 23, 1942, the plaintiff filed an amended suit joining Francis Biddle, Attorney General of the United States, as defendant. On June 30, 1942, a motion to dismiss the plaintiff's amended complaint was filed on behalf of the defendants. The motion to dismiss was argued on June 30, 1942, and on July 1, 1942, the court ordered the amended complaint dismissed.

Notice of appeal was filed by the plaintiff on July 17, 1942. On July 28, 1943, the United States Court of Appeals for the District of Columbia affirmed the decision of the lower court, handing down the following opinion:

MILLER, *Associate Justice*: "Appellant sued in the District Court for a declaratory judgment against the Federal Security Administrator and the Attorney General. The case stated in its complaint is, in substance, as follows: Appellant intends to ship in interstate commerce white poppy seeds, for use on bakery products, to which it intends to add a blue color by means of a harmless vegetable dye; the seed would be sold in bulk packages labeled with an explanation of the manner of coloring; the reason for the addition of the color is that blue poppy seeds are more in demand, but, on account of wartime restrictions of importations, are unavailable; appellant, through its attorney explained its intentions in a letter to the Food and Drug Administration of the Federal Security Agency, and explained why it did not consider its proposed business activities to be at variance with the provisions of the Federal Food, Drug, and Cosmetic Act; it requested an expression of opinion from the Food and Drug Administration as to the legality of the interstate shipment of such a food product, and was advised by Walter G. Campbell, Commissioner of Food and Drugs, that, in the opinion of the Food and Drug Administration, such an artificially colored product would be adulterated within the meaning of Section 402 (b) of the Federal Food, Drug, and Cosmetic Act.¹ Appellant alleged, also, in its complaint in the District Court, that on June 3, 1942 it sent to the Attorney General of the United States, the following telegram: 'Our client, The Helco Products Company Inc., 111 Hudson Street New York desires to ship white poppy seed dyed blue with a harmless vegetable dye in interstate commerce. J K Kirk

¹ In support of this allegation appellant submitted, as an exhibit, a letter from the Commissioner of Food and Drugs which contains the following paragraph: "It is therefore our considered opinion that the interstate shipment of this artificially colored product under any labeling would result in an adulterated product within the meaning of section 402(b) of the Federal Food, Drug and Cosmetic Act, and that this violation could not be corrected by any form of labeling."

of the Food and Drug Administration by radiogram dated December 18 1941, stated that such action would be a violation of law. This was supplemented by a letter of February 23 signed by W. G. Campbell, Commissioner of Food and Drugs, reaffirming the department's attitude as stated in the radiogram. We should like to know whether you would hold such action on my client's part a violation of law and if you would institute prosecution on such a holding. Kindly wire answer collect, as the matter is being held in abeyance by the court pending a motion made in an action by my client against Federal Security Administrator for a declaratory judgment.' In reply to this telegram, the Attorney General, on June 2, 1942, informed appellant: 'Liturgic white poppy seed dyed blue please be advised that the Attorney General is authorized by law to give opinions only to the President and heads of Executive Departments.' Upon the basis of these allegations, appellant alleged further that in the event it ships dyed poppy seeds in interstate commerce, the Food and Drug Administration will advise the Attorney General that the shipment thereof constitutes a violation of the Federal Food, Drug, and Cosmetic Act; that the Attorney General will thereupon 'effectuate the recommendation of the Food and Drug Administration,' by seizing and condemning such dyed poppy seeds in interstate commerce, or, in the alternative, will bring criminal proceedings against appellant, its agents and employees; that appellant has no adequate remedy at law; wherefore, appellant demands judgment against the Federal Security Administrator and the Attorney General, declaring that the Federal Food, Drug, and Cosmetic Act does not prohibit the interstate shipment of artificially colored poppy seeds, properly labeled.

"The issue which we must decide is whether there is a case of actual controversy within the meaning of the Declaratory Judgment Act;² in other words, whether the facts alleged, under all the circumstances, show that there is a substantial controversy between parties having adverse legal interests of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.³ In *John P. Agnew & Co. v. Hoage*⁴ this Court said that 'mere supposition that the appellee's opinion will be erroneously and illegally applied,' was not sufficient to support a complaint for a declaratory judgment. This is equally true in the present case. Here, no opinion had been expressed by either appellee named in the complaint. The Attorney General declined to answer the hypothetical question submitted to him; and it does not appear that the question was even submitted to the Federal Security Administrator. Appellant concedes that the *Agnew* case, and others,⁵ speak in terms of an official threat of enforcement, as a requisite of justiciability in declaratory judgment actions. But appellant would distinguish the present case on the theory that: 'In the case at bar the Administrator has the authority and *as a matter of law has officially threatened* to prosecute the appellant or to seize and libel its merchandise.' [Italics supplied] Specifically, it argues that (1) an oral or written threat of enforcement is not an absolute condition precedent to the use of the declaratory judgment, when (2) the threat of prosecution 'is implicit in the statute by reason of the civil and criminal sanctions attached to the statute'; (3) the declaration, by the Commissioner of Food and Drugs, that the interstate shipment of colored poppy seeds would constitute a violation of the Act, constitutes, as a matter of law, a threat to enforce the statute, and (4) carries with it the duty to report such violation to the Attorney General, who (5) thereupon has the mandatory duty to prosecute a violation of the statute (6) reported to him by the Federal Security Administrator. Several of these propositions, at least, if not all, are without merit; and if appellant's standing to sue depends upon establishing them, then it must fail.

"Obviously, the declaration of the Commissioner is several steps removed from a threat of prosecution. Neither he nor his superior, the Federal Security Administrator, has power to prosecute or to require prosecution.⁶ Moreover, [1] his advisory opinion, in answer to a hypothetical question, does not foreclose a contrary conclusion, by him, upon an actual state of facts; [2] his recommendation for prosecution, assuming that he makes one, does not establish the fact that a violation has occurred;

² 28 U. S. C. A. § 400.

³ *Maryland Casualty Co. v. Pacific Coal & Oil Co.*, 312 U. S. 270, 273.

⁴ 69 App. D. C. 116, 120, 99 F. (2d) 349, 353.

⁵ *Bluc Star Auto Stores v. Fleming, Pike & Fisher*, Admin. Law, 72b.112-1 (D. C. Dist. of Columbia); *Babbitt Auto Parts Co. v. Fleming, Pike & Fisher*, Admin. Law, 72b.112-2 (D. C. Dist. of Columbia); *F. W. Maurer & Sons Co. v. Andrews* (D. C., E. D. Pa.), 30 F. Supp. 637; *Mushroom Co-operative Canning Co. v. Jacobs* (D. C. E. D. Pa.), 35 F. Supp. 624; *Connecticut Importing Co. v. Perkins* (D. C. Conn.), 35 F. Supp. 414.

⁶ 21 U. S. C. A. § 335: "Before any violation of this chapter is reported by the Administrator to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.", § 337; 5 U. S. C. A. § 309.

[3] nor does it require the Administrator to recommend prosecution to the Attorney General; [4] while the Attorney General, in the performance of his official duties, has power to decide, or delegate power to decide, whether a particular statute has been violated and, if so, whether to initiate prosecution, his judgment is not in any way controlled by a report from the Federal Security Administrator, much less by the declaration or recommendation of an officer subordinate to the Federal Security Administrator; [5] specifically, he is under no 'mandatory duty' to do anything under such circumstances. This is exactly the type of official duty, the performance of which is not subject to control by mandatory process.⁷ The language of appellant's contention in this respect is phrased with interesting disingenuity. It urges its right to a judgment declaring that its proposed business activity will not constitute a violation of the law, while in the same breath it asserts the mandatory duty of the Attorney General to prosecute it for violating the law.

"It does not appear just how far appellant would carry its argument concerning the threat of prosecution which, it says, is implicit in the statute by reason of its civil and criminal sanctions. Here again the argument reduces itself, very quickly, to an absurdity. Certainly such sanctions are convincingly present in laws proscribing homicide and robbery. But, presumably, it would not be seriously contended that one who contemplated killing another, or taking his property, could establish his right to a declaratory judgment, upon a hypothetical case of murder or robbery, by requesting in advance the advice of a grand jury or the attorney general. The fact that one wants⁸ or needs legal advice is not sufficient.

"We conclude that the present case was not an appropriate one for a declaratory judgment and that there is no showing of abuse of discretion in the action of the District Court dismissing the complaint.⁹ The Supreme Court has said the pronouncements, policies, and programs of a Government administrative agency do not give rise to a justiciable controversy, save as they have fruition in action of a definite and concrete character, constituting an actual or threatened interference with the rights of persons complaining.¹⁰ To permit suits for declaratory judgments upon mere informal, advisory, administrative opinions might well discourage the practice of giving such opinions, with a net loss of far greater proportions to the average citizen than any possible gain which could accrue.¹¹ An example of an administrative program, which *was* put into action of such definite and concrete character as to create an actual controversy, may be found in *Wallace v. Currin*.¹² The present case constitutes no counterpart of the *Wallace* case. Here, there was no more than an advisory opinion given in response to a hypothetical question.¹³ There, the Secretary of Agriculture had virtually taken over the tobacco market of Oxford, North Carolina, by an order effective as of a certain date. The complainants in that case, warehousemen whose business was the selling of tobacco on the Oxford market, were the persons directly affected by the order. Failure to comply with its terms would result in liability for criminal penalties, without more. Here, no order was issued, no steps were taken to put any administrative program into action; appellant was far removed from penalties of any kind. This was not enough.¹⁴

"No doubt, a persuasive argument can be made for extending the use of advisory opinions to all situations in which conflicts may impend, between private business and government agencies, in the working out of policies and programs. Much of the uncertainty of business management could, perhaps, thus be eliminated. What a comfort it would be, if a declaratory judgment could be made as available as an interoffice memorandum, whenever a board of directors meets to consider a proposed new venture. But that millenium has not yet arrived."

Affirmed.

5005. Adulteration of poppy seed. U. S. v. 1 Container (100 Pounds) of Poppy Seeds. Default decree of condemnation and destruction. (F. D. C. No. 7389. Sample No. 77032-F.)

Examination showed this product to be white poppy seeds artificially colored with an unidentified coal-tar color, so that the product resembled the seeds of the so-called blue poppy, a more valuable product.

On April 23, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 1 unlabeled metal container, containing 100 pounds, of

⁷ *Hammond v. Hull*, U. S. App. D. C. , 131 F. (2d) 23, and cases there cited; *United States ex rel. White v. Coe*, 68 App. D. C. 218, 95 F. (2d) 347, and cases there cited; *United States ex rel. Roughton v. Ickes*, 69 App. D. C. 324, 101 F. (2d) 248.

⁸ *F. W. Maurer & Sons Co. v. Andrews*, 30 F. Supp. 637, 638.

⁹ *Brillhart v. Excess Insurance Co.*, 316 U. S. 491, 494.

¹⁰ *Ashwander v. T. V. A.*, 297 U. S. 288, 324, 325.

¹¹ See BORCHARD, *DECLARATORY JUDGMENTS*, (2d ed. 1941) 919, *et seq.*

¹² 95 F. (2d) 856; *aff'd* 306 U. S. 1.

¹³ *Aetna Life Insurance Co. v. Haworth*, 300 U. S. 227, 241.

¹⁴ *Great Atlantic & Pacific Tea Co. v. Grosjean*, 301 U. S. 412, 429.

poppy seed at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about February 24 and March 2, 1942, by the Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was adulterated in that inferiority had been concealed by the addition of artificial color, and in that artificial color had been added thereto or mixed therewith so as to make it appear better or of greater value than it was.

On June 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5006. Adulteration of poppy seeds. U. S. v. 13 Bags of Poppy Seeds. Default decree of condemnation and destruction. (F. D. C. No. 9375. Sample No. 26561-F.)

On February 16, 1943, the United States attorney for the District of Minnesota filed a libel against 13 bags, containing a total of 1,027 pounds, of poppy seed at Little Falls, Minn., alleging that the article had been shipped in interstate commerce on or about October 16, 1942, by Abecassis & Abelson, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils and larvae.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5007. Adulteration of coriander and cumin seed. U. S. v. 384 Sacks of Coriander Seed, 298 Bags and 200 Bags of Cumin Seed. Consent decree of condemnation. Products ordered released under bond for segregation and destruction of the unfit portions. (F. D. C. No. 9333, 9353, 9527. Sample Nos. 5654-F, 5662-F, 6086-F.)

Samples of these products were found to contain beetles, larvae, flies, pupae, insect excreta, and insect fragments.

On February 8 and 9, and March 10, 1943, the United States attorney for the Eastern District of Missouri filed libels against 384 sacks of coriander seed and 498 bags of cumin seed, at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce within the period from on or about June 10, 1942, to January 26, 1943, by the P. H. Petry Co. from New York, N. Y.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances.

On March 20, 1943, the David G. Evans Coffee Co. having appeared as claimant for the lot of coriander seed and one of the lots of cumin seed, and Jas. H. Forbes Tea & Coffee Co. having appeared for the remaining lot of cumin seed, and all parties having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond for segregation and destruction of the unfit portions, under the supervision of the Food and Drug Administration.

5008. Adulteration of curry powder and paprika. U. S. v. 21 Cases of Curry Powder and 112 Cases of Paprika. Default decree of condemnation. (F. D. C. No. 9493. Sample Nos. 15766-F, 15769-F.)

On February 26, 1943, the United States attorney for the District of Utah filed a libel against 21 cases of curry powder and 112 cases of paprika, each case containing 48 tins, at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about January 7, 1943, by Tiedeman-McMoran from San Francisco, Calif.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances, rodent hairs and insect fragments, and in that the articles had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: (Tins) "Curry Powder * * * Tropic Brand [or "Paprika Tropic Brand"] * * * R. C. Pauli and Sons San Francisco, Calif."

On June 5, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

5009. Adulteration of unbleached ginger. U. S. v. 50 Bags of Unbleached Ginger. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9491. Sample No. 6722-F.)

On or about March 4, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 50 bags of unbleached ginger at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by the P. H. Petry Co. from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, larvae, insect fragments, insect excreta, and worm tunnels.

On March 20, 1943, the Jas. H. Forbes Tea & Coffee Co. of St. Louis, Mo., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered re-

leased under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

5010. Adulteration of mace. U. S. v. 65 Cases of Mace. Default decree of condemnation and destruction. (F. D. C. No. 9075. Sample No. 9723-F.)

On December 29, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 65 cases, each containing 48 cartons, of mace at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 27, 1942, by the Quartermaster Supply Officer, Army Depot, from Atlanta, Ga., to New Orleans Import Co., Ltd., and that it consisted of goods which had been rejected by the Quartermaster and returned to the manufacturer at his request; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, insect fragments, and larvae. The article was labeled in part: (Cartons) "Rex Spices Finest Pure Ground Mace."

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5011. Adulteration of mustard seed. U. S. v. 136 Bags and 10 Drums of Mustard Seed. Consent decree of condemnation. Product ordered released under bond for salvage of the good portion and destruction of the unfit portion. (F. D. C. No. 9483. Sample No. 32015-F.)

This product had been stored under insanitary conditions after shipment and, when sampled, the bags had been gnawed by rodents, rodent excreta was found on and between the bags, and the product itself contained rodent excreta.

On March 4, 1943, the United States attorney for the Southern District of Indiana filed a libel against 136 100-pound bags and 10 fibre drums of mustard seed at Indianapolis, Ind., in the possession of Food Specialties, Inc., alleging that the article had been shipped in interstate commerce on or about October 12, 1942, from Havre, Mont.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, rodent excreta, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The bags were labeled in part: "Gold Star Montana Mustard Seed."

On April 3, 1943, Food Specialties, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging of the good portion and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5012. Adulteration of turmeric root. U. S. v. 166 Bags of Turmeric Root. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9481. Sample No. 5661-F.)

On March 2, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 166 bags of turmeric root at St. Louis, Mo., in the possession of the David G. Evans Coffee Co., alleging that the article had been shipped in interstate commerce on or about July 31, 1942, from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, beetles, larvae, cast skins, and insect excreta, and in that it had been held, after shipment in interstate commerce, under insanitary conditions whereby it may have become contaminated with filth.

On March 20, 1943, the David G. Evans Coffee Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, or destroyed, under the supervision of the Federal Security Agency.

5013. Adulteration and misbranding of sage. U. S. v. 100 Cases of Sage. Default decree of condemnation and destruction. (F. D. C. No. 8409. Sample No. 19714-F.)

On September 24, 1942, the United States attorney for the District of Massachusetts filed a libel against 100 cases, each containing 24 canisters, of sage at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 24, 1942, by the Euclid Coffee Co. from Cleveland, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Canister) "Taste Rite Ground Sage."

The article was alleged to be adulterated in that foreign plant material had been substituted in whole or in part for ground sage (*Salvia Officinalis*), and in that foreign plant material had been added thereto and mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength. It was alleged to be

misbranded in that the name "Sage" was false and misleading when applied to an article containing plant material which was not sage.

On July 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5014. Adulteration and misbranding of spices. U. S. v. 3 Barrels of White Pepper (and 3 additional seizure actions against white pepper, nutmeg, paprika, and cinnamon). Default decrees of condemnation. Products ordered delivered to welfare organizations. (F. D. C. Nos. 9590, 9592, 9594, 9712. Sample Nos. 17789-F, 17790-F, 44802-F to 44807-F, incl., 44812-F, 44813-F.)

On March 20 and 30, 1943, the United States attorney for the District of New Jersey filed libels against 5 barrels, 19 boxes, and 81 cans of white pepper, 58 cans and 57 tins of cinnamon, 36 cans of nutmeg, and 36 cans of paprika, at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 26, 1942, to December 2, 1943, by the Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Pure Ground White Pepper," "Pure White Pepper," "Pure Ground Montauk White Pepper," "Cinnamon 1 Lb. Net," "Nutmeg 1 Lb. Net," "Ground Spices White Pepper 1 Lb. Net," or "Fancy Paprika."

The articles were alleged to be adulterated in that valuable constituents, nutmeg, white pepper, cinnamon, and paprika, had been in whole or in part omitted from the articles and in that substances, i.e., nutmeg, white pepper, cinnamon, and paprika, all containing added starch, and the paprika also containing artificial coloring, had been substituted wholly or in part for the articles. The paprika was alleged to be adulterated further in that its inferiority had been concealed by the use of artificial coloring, and in that cornstarch and artificial coloring had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it was.

The articles were alleged to be misbranded in that the names, "Nutmeg," "White Pepper," "Pure White Pepper," "Pure Ground White Pepper," "Pure Ground Montauk White Pepper," "Cinnamon," and "Fancy Paprika," appearing on the labels, were false and misleading as applied to articles containing added starch and, in the case of the paprika, artificial coloring, and in that they were offered for sale under the names of other foods. All of the articles except the barrels of white pepper were alleged to be misbranded further in that they were in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor. The nutmeg, cinnamon, and portions of the white pepper were alleged to be misbranded also in that the statement "1 Lb. Net," appearing on the labels, was false and misleading since they were short weight, and in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents. The paprika was alleged to be misbranded further in that it was an imitation of another food, paprika, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated, and in that it contained artificial coloring and failed to bear a label stating that fact.

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to welfare organizations.

5015. Misbranding of whole nutmeg. U. S. v. 4 Cartons of Nutmeg. Default decree of condemnation and destruction. (F. D. C. No. 9548. Sample No. 21644-F.)

Examination showed the boxes to contain 12 or 13 nutmegs. On the basis of the additional nutmegs which could be packed into the boxes, they were less than 60 percent filled.

On March 13, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 4 cartons, each containing 12 boxes, of nutmegs at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by Durkee Famous Foods from Elmhurst, N. Y.; and charging that it was misbranded in that its container was so filled as to be misleading, since the container was too large for the amount of nutmeg it contained, and in that it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents, since the declaration in terms of numerical count due to variation in the sizes of the nutmegs did not give accurate information as to the quantity of food in the package.

On April 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

5016. Misbranding of canned pears. U. S. v. 198 Cases and 300 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 9508, 9509. Sample Nos. 14621-F, 19188-F, 19190-F.)

On or about March 8 and 9, 1943, the United States attorneys for the Southern District of New York and the District of New Jersey filed libels against 198 cases, each containing 24 cans, of pears at New York City, N. Y., and 300 cases, each containing 24 cans, of pears at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about January 16, 1943, by the Pure Foods Corporation from Los Angeles, Calif., to New York, N. Y., and that a part had been reshipped to Jersey City, N. J.; and charging that it was misbranded. The article was labeled in part: (Cans) "'Golden Flow' Brand Sliced Bartlett Pears."

The article was alleged to be misbranded (1) in that it was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, and its quality fell below such standard in that it failed to meet the test for tenderness established by the standard; and (2) its label failed to bear a statement that its quality fell below such standard.

On April 2 and 12, 1943, Pablo A. Font and Luis F. Font, doing business as Font & Co., New York, N. Y., having appeared as claimants and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5017. Misbranding of canned pears. U. S. v. 485 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9382. Sample No. 19156-F.)

On February 20, 1943, the United States attorney for the Eastern District of New York filed a libel against 485 cases, each containing 24 cans, of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1943, by Clement Pappas & Co., from Cedarville, N. J.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pappas Brand U.S.A. * * * Halves Kieffer Pears."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard with respect to uniformity of trim, tenderness, and freedom from blemishes, and its label failed to bear, in such manner and form as the standard specifies, a statement that it fell below such standard.

On June 9, 1943, Clement Pappas & Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FRESH FRUIT

5018. Adulteration of apples. U. S. v. 812 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9561. Sample No. 14734-F.)

On February 17, 1943, the United States attorney for the Southern District of California filed a libel against 812 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 13, 1943, by the Fruit Growers Service Co., Inc., from Wenatchee, Wash.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, arsenic and/or lead, which might have rendered it injurious to health. The article was labeled in part: "Fancy Delicious Boy Blue Brand."

On March 11, 1943, the Angelus Fruit & Produce Co. of Los Angeles, Calif., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

FROZEN FRUIT

5019. Adulteration of frozen strawberries. U. S. v. Samuel Alston Moffett (S. A. Moffett Co.). Plea of guilty. Fine, \$100 on count 1, \$200 fine on each of the remaining 2 counts of the information, and costs. (F. D. C. No. 8802. Sample Nos. 14301-F, 15296-F, 19749-F, 92121-F.)

On July 30, 1943, the United States attorney for the Western District of Washington filed an information against Samuel Alston Moffett, trading as the S. A.

Moffett Co. at Seattle, Wash., alleging shipment within the period from on or about May 27 to July 24, 1942, from the State of Washington into the States of California, Colorado, and Massachusetts of a quantity of frozen strawberries that were adulterated in that they consisted in whole or in part of decomposed substances.

On August 23, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100 on count 1 of the information and \$200 on each of the 2 remaining counts, together with costs.

5020. Adulteration of frozen strawberries. U. S. v. 5 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 9579. Sample No. 38242-F.)

On March 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 5 barrels of frozen strawberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 3, 1943, by the S. A. Moffett Co., from Mt. Vernon, Wash.; and charging that it was adulterated in that it consisted in whole or in part of decomposed substances, moldy berries. The article was labeled in part: "Cold Pack Marshall Strawbys."

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

5021. Adulteration of red raspberries. U. S. v. 66 Barrels of Red Raspberries. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. Nos. 8714 to 8716, incl., 8856. Sample Nos. 1851-F, 1853-F, 1854-F, 1871-F.)

On November 14, 1942, the United States attorney for the Northern District of Illinois filed a libel against 66 barrels, each barrel containing 390 pounds, of red raspberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about July 17 to August 5, 1942, by the Frigid Food Products Inc., from Detroit, Mich.; and charging that it was adulterated in that water or water and sugar (sugar present only in some barrels) had been substituted wholly or in part for red raspberries.

On January 14, 1943, the Frigid Food Products, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

On June 7, 1943, the Welch Fruit Products Co., Chicago, Ill., having entered a claim for 20 barrels of the product and having consented to the entry of the decree theretofore entered, and the court, having heard arguments of counsel and the evidence in support of the claim, found that the 20 barrels of the product in controversy was the product of the Welch Fruit Products Co., and ordered that the product be released to the owner on the same condition as those of the original decree.

MISCELLANEOUS FRUIT PRODUCTS

5022. Adulteration of imitation jellies and Lekvar. U. S. v. Vienna Extract Co., Inc., David Littmann and Moses Siegel. Pleas of guilty. Corporation fined \$600, David Littmann \$1,500 and Moses Siegel \$150. (F. D. C. No. 6451. Sample Nos. 56680-E, 56681-E, 56687-E.)

Samples of these products were found to contain rodent hairs, insect fragments, paint fragments, wood splinters, metal fragments, string fibers, fragments of paper, and nondescript dirt.

On May 13, 1942, the United States attorney for the Eastern District of New York filed an information against the Vienna Extract Co., Inc., Brooklyn, N. Y., and David Littmann, and Moses Siegel, president and treasurer, respectively, of the corporation, alleging shipment on or about April 26 and May 8, 1941, from the State of New York into the State of Connecticut of quantities of imitation jellies and Lekvar that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Imitation Raspberry Jelly * * * [or "Imitation Rasp. Flavored Fruit Jelly"] Manufactured for I. Bader & Co. * * * Bridgeport, Conn.," or "D. L. Brand * * * Baker's Delight Lekvar [or "Imitation Fruit Jelly"]."

On May 26, 1942, a plea of guilty having been entered on behalf of the defendant corporation and by the individual defendants, the court imposed a fine of \$600 against the corporation, \$1,500 against David Littmann, and \$150 against Moses Siegel.

5023. Adulteration of jellies and preserves. U. S. v. Farmer's Friend Products, Inc., and Louis Bauernfreund, President. Pleas of guilty. Corporation fined \$450. Individual defendant sentenced to 90 days in jail on each of the 9 counts, the sentences to run concurrently. After serving 32 days, individual resentenced to 1 day. (F. D. C. No. 6452. Sample Nos. 69319-E, 69320-E, 69835-E to 69837-E, incl., 74441-E, 74443-E, 74445-E, 82004-E.)

This product contained human hairs, rodent hairs, fragments of insect bodies, legs, heads, larvae, pomace-fly eggs, thrips, small fragments of metal and paint, splinters, fly maggots, and miscellaneous filth.

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against the Farmer's Friend Products, Inc., Brooklyn, N. Y., and Louis Bauernfreund, president, alleging shipment within the period from on or about June 28 to July 20, 1941, from the State of New York into the States of New Jersey and South Carolina of quantities of jellies and preserves that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Mrs. Bauer's Brand Pure Orange Marmalade [or various jellies or preserves]," or Marigold Brand * * * Pure Grape Jelly [or various jellies or preserves] Marigold Grocery Co. Distributors Jersey City, N. J."

On July 22, 1943, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$50 against the corporation on each of the 9 counts contained in the information, and sentenced the individual defendant to 90 days in jail on each of the counts, the jail sentences to run concurrently. On August 24, 1943, 32 days having been served, Louis Bauernfreund was resentenced to 1 day in jail.

5024. Adulteration of fruit peels. U. S. v. Daniel Davis (Orange Products Co.). Plea of guilty. Fine, \$500 on count 1 and 3 months in jail on each of remaining counts, the jail sentences to run concurrently. (F. D. C. No. 6488. Sample Nos. 54215-E, 74531-E, 74534-E.)

These products were found to contain rodent hairs, flies, larvae, fragments of insects, and beetles.

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against Daniel Davis, trading as the Orange Products Co., Brooklyn, N. Y., alleging shipment within the period from on or about August 25 to September 29, 1941, from the State of New York into the States of Pennsylvania and New Jersey of quantities of fruit peels that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Tutti Frutti Diced Mixed Fruit Peels," or "Green Grapefruit Peel."

On July 16, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$500 on count 1 and a sentence of 3 months in jail on each of the remaining 2 counts, the jail sentences to be served concurrently.

5025. Adulteration and misbranding of apple spread. U. S. v. 345 Cases and 45 Cases of Apple Spread. Default decrees of condemnation and destruction. (F. D. C. Nos. 9179, 9758. Sample Nos. 3331-F, 8936-F.)

On January 14 and April 13, 1943, the United States attorneys for the Southern District of Texas and the District of Kansas filed libels against 345 cases of apple spread at Houston, Tex., and 45 cases at Wichita, Kans., which had been consigned by the Silverton Canning Co., alleging that the article had been shipped in interstate commerce on or about September 8 and 17, 1942, from Silverton, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Table Brand * * * Apple Spread."

The article was alleged to be adulterated in that it contained added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

It was alleged to be misbranded (1) in that it purported to be apple butter, a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since it had not been concentrated by heat, as the regulations prescribe, to such point that the soluble solids content of the finished article was not less than 43 percent as determined by the methods prescribed in the regulations; and (2) since its label did not bear the names of the food specified in such definition and standard of identity.

On March 19 and April 13, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5026. Adulteration of date paste. U. S. v. 10 Crates of Date Paste. Default decree of condemnation and destruction. (F. D. C. No. 9023. Sample No. 12423-F.)

On December 24, 1942, the United States attorney for the Western District of Washington filed a libel against 10 crates of date paste at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 16, 1942, by Andrew Reich & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, worm and other insect fragments, and was fermented, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "California Date Pieces Seeded and Macerated."

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5027. Adulteration of fruit cocktail. U. S. v. 170 Cases of Fruit Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 9101. Sample No. 7927-F.)

On December 30, 1942, the United States attorney for the District of Minnesota filed a libel against 170 cases of fruit cocktail at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by the Hunt Bros. Packing Co. from Hayward, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Blue Bonnet Brand * * * Fruit Cocktail Winters Canning Company Distributors Main Office San Francisco."

On February 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5028. Adulteration of orange juice. U. S. v. 1,096 Cases, 106 Cans, and 263 Cases of Orange Juice. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9584. Sample Nos. 728-F, 729-F.)

On March 23, 1943, the United States attorney for the Northern District of Illinois filed a libel against 1,096 cases, each containing 12 cans and 106 swelled cans, and 263 cases, each containing 6 cans, of orange juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 23, 1942, and January 14, 1943, by the Sun Bird Packing Company, Ltd., from Arcadia and Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Sun-bird California Unsweetened Orange Juice."

On April 30, 1943, R. J. Mattison, doing business as the Sun Bird Packing Co., Ltd., having appeared as defendant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5029. Adulteration of canned prune juice. U. S. v. 14 Cases of Canned Prune Juice. Default decree of condemnation and destruction. (F. D. C. No. 9547. Sample No. 30938-F.)

Examination showed this product to be undergoing active spoilage.

On March 18, 1943, the United States attorney for the Western District of Washington filed a libel against 14 cases of canned prune juice at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by Libby, McNeill & Libby from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ramrod Juice of Dried Prunes * * * Emery Food Co. Chicago, Illinois Distributors."

On July 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5030. Adulteration and misbranding of vinegar. U. S. v. 9 Barrels, 5 Kegs, and 5 Cases, (563 gallons), of Vinegar (and 4 additional seizure actions against vinegar). Decrees of condemnation. Portions of product ordered delivered to public or welfare organizations. Remainder ordered destroyed. (F. D. C. Nos. 9545, 9699, 9752, 9787, 9912. Sample Nos. 3162-F, 3170-F, 13727-F, 15936-F, 15937-F, 27726-F, 36049-F.)

Between March 26 and May 31, 1943, the United States attorneys for the District of Wyoming, the Southern District of California, and the District of Nebraska, filed libels against 9 barrels, 5 kegs, 20 gallon jugs, and 6 cartons, each containing 24 1-pint bottles, of vinegar, at Cheyenne, Wyo., 15 barrels of vinegar at Casper, Wyo., 68 gallon jugs of vinegar at Mira Loma, Calif., and 17 barrels of vinegar at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce within the period from on or about December 11, 1942, to February 12, 1943, by the Speas Co.

from Denver, Colo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Asher Brand Apple Cider Vinegar Diluted with Water to 4½ Percent Acetic Acid Strength," "Speas Fermented Apple Cider Vinegar Full Strength," "Fancy Table and Pickling Vinegar * * * Apple Cider Vinegar Diluted with Water to Four and Half Acetic Acid Strength Packed For Walter Schultz Company Casper, Wyoming," or "Sixty Grain Apple Cider Vinegar."

The article was alleged to be adulterated in that a substance, dilute acetic acid or distilled vinegar, a portion artificially colored, had been substituted wholly or in part for the article. Portions were alleged to be adulterated further in that acetic acid or distilled vinegar, a portion containing artificial color, had been added thereto or mixed or packed therewith so as to reduce its quality or strength, and, in the case of the lot containing artificial color, so as to make it appear better or of greater value than it was. One lot was alleged to be adulterated further in that inferiority had been concealed by the use of artificial color.

All lots of the article were alleged to be misbranded (1) in that the statements "Apple Cider Vinegar," "Apple Cider Vinegar Full Strength," "Apple Cider Vinegar Diluted with Water to Four and Half Acetic Acid Strength," and "Apple Cider Vinegar Diluted with Water to 4½ Percent Acetic Acid Strength," appearing in the labeling of the various lots were false and misleading as applied to mixtures of cider vinegar with dilute acetic acid or distilled vinegar, a part of which was artificially colored; and (2) in that it was offered for sale under the name of another food. One lot was alleged to be misbranded further in that it contained artificial coloring and failed to bear labeling stating that fact.

On April 3 and 9, and June 14, 1943, the Speas Co. having appeared as claimant for the lots located at Cheyenne and Casper, Wyo., and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released to the claimant under bond for repackaging and relabeling. On May 31 and June 23, 1943, these decrees were modified, with the consent of the claimant, to permit the delivery of the product to various Federal, State, and municipal institutions. On April 21 and May 10, 1943, the consignee of the lot located at Lincoln having consented to the entry of a decree and no claimant having appeared for the lot located at Mira Loma, Calif., judgments of condemnation were entered and the former lot was ordered destroyed and the latter was ordered delivered to charitable and welfare organizations.

5031. Adulteration of mince meat. U. S. v. 27 Wooden Pails and 44 Cases of Mince Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 9069, 9171. Sample Nos. 24171-F, 36843-F.)

On December 23, 1942, and January 11, 1943, the United States attorneys for the District of Maryland and the District of Columbia filed libels against 27 wooden pails, each containing 20 pounds, of mince meat at Baltimore, Md., and 44 cases, each containing 6 8-pound bottles, of mince meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 11 and 17, 1942, by the Old Virginia Packing Co., Inc., from Front Royal, Va.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent hair fragments and insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Old Virginia Extra Fancy Mince Meat," or "Virginia Royal Fancy Plain Mince Meat."

On January 20 and February 3, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED VEGETABLES

5032. Adulteration of canned green beans. U. S. v. 249 Cases of Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 8472. Sample No. 24241-F.)

This product was underprocessed and decomposed.

On October 1, 1942, the United States attorney for the Western District of Virginia filed a libel against 249 cases, each containing 24 cans, of cut green beans at Check, Va., alleging that the article had been shipped in interstate commerce on or about September 3, 1942, by W. C. Simpson, from Check, Va., to Mabscott, W. Va., and had been returned on September 18, 1942, to Check, Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Bent Mountain Brand * * * Cut Green Beans."

On May 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5033. Adulteration of canned cut green beans. U. S. v. 360 Cases of Canned Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 8689. Sample No. 6052-F.)

Examination showed this product was underprocessed and in part decomposed.

On or about November 6, 1942, the United States attorney for the Western District of Missouri filed a libel against 360 cases, each containing 6 No. 10 cans, of cut green beans at Springfield, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about September 5 to 14, 1942, by the Arkansas Valley Canning Co. from Van Buren, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Virginia Lee Brand Cut Green Beans."

On April 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5034. Adulteration of canned mustard greens, cut green beans, and spinach. U. S. v. 122 Cases of Mustard Greens, 268 Cases of Cut Green Beans, and 119 Cases of Spinach. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9581. Sample Nos. 9738-F to 9740-F, incl.)

On March 20, 1943, the United States attorney for the Western District of Louisiana filed a libel against 122 cases of mustard greens, 268 cases of cut green beans, and 119 cases of spinach at Ruston, La., alleging that the articles had been shipped in interstate commerce on or about January 22, 1943, by the Ozark Packing Co., Inc., from Ozark, Ark.; and charging that they were adulterated in that they were under-processed and decomposed. The articles were labeled in part: "Pride of Ozark Brand Mustard Greens [or "Cut Green Beans"]," or "Sailor Girl Brand Spinach."

On July 10, 1943, the Ozark Packing Co., Inc., having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

5035. Adulteration of canned spinach. U. S. v. 225 Cases of Canned Spinach (and 11 additional seizure actions against canned spinach). Decrees of condemnation. Two of the lots ordered released under bond for segregation of the fit from the unfit portion, and destruction of the latter; remaining lots ordered destroyed. (F. D. C. Nos. 9533 to 9542, incl., 9907, 9908, 10058, 10059. Sample Nos. 5657-F to 5660-F, incl., 5780-F, 5781-F, 6448-F, 6592-F, 32070-F to 32073-F, incl., 48025-F, 48026-F.)

Examination showed this product to be under-processed and undergoing progressive spoilage.

Between March 13 and June 5, 1943, the United States attorneys for the Eastern District of Missouri and the Southern District of Ohio filed libels against 1,282 cases of canned spinach at St. Louis, Mo., and 2,745 cases of canned spinach at Cincinnati, Ohio, which had been shipped in interstate commerce within the period from on or about December 21, 1942, to January 18, 1943, alleging that the article had been shipped by the Ozark Canning Co. from Ozark, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: "Pride of Ozark Brand Spinach," or "Ozark Brand Spinach."

On July 17, 1943, the Ozark Canning Co. having appeared as claimant for two of the lots located at Cincinnati, Ohio, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit from the unfit portion and destruction of the unfit portion. Between May 14 and July 24, 1943, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

5036. Adulteration of canned okra. U. S. v. 474 Cases of Okra (and 9 additional seizure actions against okra). Default decrees of condemnation. (F. D. C. Nos. 9131, 9262, 9471, 9473, 9505, 9523, 9588, 9927, 10006. Sample Nos. 3036-F, 3037-F, 3574-F, 8941-F, 8943-F, 8962-F, 8963-F, 9029-F, 9477-F, 9809-F to 9811-F, incl., 9813-F, 10367-F.)

This product was in whole or in part sour and decomposed.

Within the period from on or about January 27 and May 28, 1943, the United States attorneys for the Northern District of Texas, the Southern District of Texas, the Western District of Texas, the Eastern District of Oklahoma, and the Western District of Missouri filed libels against 474 cases of canned okra at Dallas, Tex., 119 cases at Houston, Tex., 262 cases at Kansas City, Mo., 48 cases at Muskogee, Okla., 135 cases at El Paso, Tex., 255 cases at Houston, Tex., and 47 cases at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about August 5, 1941, to November 12, 1942, by the Pine

Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance rendering it unfit for human consumption. The article was labeled in part: "Pine Grove Brand Cut Okra," "Creole Maid Brand Cut Okra," or "Gulf Bend Brand Cut Okra."

Between April 3 and August 11, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On August 11, 1943, the decree entered in the case covering the lot located at Fort Worth, Tex., was amended providing for the use of the product as hog feed.

5037. Adulteration of sauerkraut. U. S. v. 1,500 Cases of Sauerkraut (and 2 additional seizure actions against sauerkraut). Consent decrees of condemnation. Product ordered released under bond for reconditioning or relabeling. (F. D. C. Nos. 9132, 9709, 9817. Sample Nos. 24165-F, 24179-F, 30961-F, 31131-F.)

Between January 5 and April 19, 1943, the United States attorneys for the District of Columbia, the Western District of Washington, and the District of Oregon filed libels against 1,500 cases, each containing 12 jars, of sauerkraut at Washington, D. C., 170 cases of sauerkraut at Seattle, Wash., and 690 cases of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about December 20, 1942, to January 15, 1943, by the Goldsmith Pickle Co. from Chicago, Ill.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported and was represented to be. The article was labeled in part: (Jars) "Goldsmith Brand Sauerkraut," or "Champion Brand * * * Packed By Western Pickle Co., Chicago, Ill."

Between January 18 and June 8, 1943, the following claimants having appeared: The Goldsmith Pickle Co. for the lot at Washington, D. C., the Western Pickle Co., for the lot Seattle, Wash., and Wadhams & Co., Portland, Oreg., for the lot at Portland, Oreg., and all three claimants having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reconditioning by repacking or relabeling, under the supervision of the Food and Drug Administration.

5038. Misbranding of canned peas. U. S. v. 412 Cases of Canned Peas (and 5 additional seizure actions against canned peas.) Decrees of condemnation with provision for release under bond for relabeling. (F. D. C. Nos. 8370, 8391, 8392, 8841, 8859, 9112. Sample Nos. 2721-F, 4373-F, 4387-F, 4762-F, 4763-F, 32001-F.)

On or about September 16 and 22, November 7, 1942, and January 2, 1943, the United States attorneys for the Western District of Missouri, the Eastern and Western Districts of Kentucky, and the Eastern and Middle Districts of Tennessee filed libels against 412 cases of canned peas at North Kansas City, Mo., 1,582½ cases at Louisville, Ky., 277 cases at East Bernstadt, Ky., 127 cases at Lafayette, Tenn., and 131 cases at Clarksville, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 22 to August 26, 1942, by the Morgan Packing Co. from Franklin and Austin, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Scott Co. [or "American Beauty," or "Royal Crown"] Garden Run Early June Peas," or "Leota Belle * * * Early June Peas * * * Packed by Franklin Packing Co. Franklin, Ind."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

The Morgan Packing Co. appeared as claimant in each action and admitted the allegations of the libels. On November 5, 1942, decrees were entered in the Western District of Kentucky ordering the release, for relabeling in compliance with the law, of the product seized at Louisville. On November 19 and 20, and December 14, 1942, and January 21, 1943, judgments of condemnation were entered in the remaining actions and the product was ordered released under bond, conditioned that it be relabeled.

5039. Misbranding of canned peas. U. S. v. 251 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9521. Sample No. 36899-F.)

On March 9, 1943, the United States attorney for the District of Baltimore filed a libel against 251 cases, each containing 24 cans, of peas at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about June 30 and August 18, 1942, by Burgoon & Yingling from Gettysburg, Pa.; and charging that it was misbranded. The article was labeled in part: (Cans) "National Park Brand No. 4 Sieve Early June Peas."

'It was alleged to be misbranded (1) in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation promulgated pursuant to law, but its quality fell below such standard since the article was a smooth skin variety of peas and the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, the maximum permitted by such regulation; and (2) its label failed to bear, in such manner and form as the regulation specify, a statement that it fell below such standard.

On May 19, 1943, D. C. Winebrenner & Son of Frederick, Md., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.

MISCELLANEOUS VEGETABLES

5040. Adulteration of sweet relish and pepper relish. U. S. v. 24 Cases and 191 Cases of Sweet Relish and 14½ Cases and 72 Cases of Pepper Relish. Default decree of condemnation and destruction. (F. D. C. Nos. 9142, 9143. Sample Nos. 10792-F to 10795-F, incl.)

On January 11, 1942, the United States attorney for the Northern District of California filed a libel against 215 cases of sweet relish and 86½ cases of pepper relish at San Francisco, Calif., alleging that the articles had been shipped in interstate commerce on or about October 30, 1942, by B. F. Trappey's Sons, Inc., from New Iberia, La.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, insect fragments and rodent hairs, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 25, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

5041. Adulteration of red peppers. U. S. v. 88 Bags of Red Peppers. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 9442. Sample No. 5788-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce. Extensive rodent contamination was apparent throughout the entire lot. Rodent pellets were found on and between the bags and in the rodent-gnawed sacks, and most of the sacks had been cut by rodents. Examination showed the presence of rodent excreta, rodent hairs, insect- or rodent-damaged and moldy peppers.

On February 25, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 88 bags of red peppers in the possession of David G. Evans Coffee Co., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, from Florence, S. C.; and charging that it was adulterated in that it consisted wholly or in part of filthy and decomposed substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On March 20, 1943, the David G. Evans Coffee Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law or destroyed, under the supervision of the Food and Drug Administration.

5042. Adulteration and misbranding of dehydrated onion and garlic. U. S. v. 18½ Cases of Dehydrated Onion and 18½ Cases of Dehydrated Garlic. Default decree of condemnation and destruction. (F. D. C. No. 9025. Sample Nos. 18833-F, 18834-F.)

On December 21, 1942, the United States attorney for the District of New Jersey filed a libel against 18½ cases of dehydrated onion and 18½ cases of dehydrated garlic at Newark, N. J., alleging that the articles had been shipped on or about December 2, 1942, by C. F. Matlage Sales Co. from New York, N. Y.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Dehydrated Onion [or "Garlic"]. Matlage Brand."

The articles were alleged to be adulterated in that dehydrated onion and dehydrated garlic, both containing 50 percent of oatmeal, had been substituted for dehydrated onion and dehydrated garlic, respectively, which they purported to be, and in that oatmeal had been added to the articles and mixed and packed therewith so as to increase their bulk and weight and reduce their quality and strength, or make them appear better and of greater value than they were.

The articles were alleged to be misbranded in that the statements appearing on the labeling, "Dehydrated Onion * * * A Dry Granulated Concentration of Onion * * * Real Onion in Concentrated Form" and "Dehydrated Garlic * * * A Dry Granulated Concentration of Garlic * * * Real Garlic in Concentrated Form," were false

and misleading as applied to articles containing about 50 percent of oatmeal, and these misbrandings were not corrected by the inconspicuous statements "Onion Cereal and Salt" and "Garlic, Cereal and Salt," appearing at the bottom of the labels. They were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labels failed to bear a statement of the common or usual name of each said ingredient.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

5043. Adulteration of canned tomatoes. U. S. v. 1,997 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8449. Sample No. 4800-F.)

This product contained decomposed material as evidenced by the presence of mold.

On October 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 1,997 cases of canned tomatoes at Cincinnati, Ohio, which had been consigned within the period from on or about August 18 to 31, 1942, alleging that the article had been shipped by the Shelby Packing Co. from Shelbyville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Shelby Brand Tomatoes with Added Tomato Juice."

On July 30, 1943, the Shelby Packing Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit portion and destruction of the latter under the supervision of the Food and Drug Administration.

5044. Adulteration of canned tomatoes. U. S. v. 59 Cases of Canned Tomatoes (and 3 additional seizure actions against canned tomatoes). Default decrees of condemnation and destruction. (F. D. C. Nos. 9583, 9698, 9713, 9934. Sample Nos. 8682-F, 33746-F, 38125-F, 38136-F.)

Examination showed this product to be sour and decomposed.

Between March 22 and May 12, 1943, the United States attorneys for the Northern District of Illinois, the Western District of Pennsylvania, and the Eastern District of Wisconsin filed libels against 59 cases, each containing 24 cans, of tomatoes at Chicago, Ill., 188 cases, each containing 24 cans, at Pittsburgh, Pa., 65 cases, each containing 24 cans, at Oshkosh, Wis., and 41 cases, each containing 24 cans, of tomatoes at Racine, Wis., alleging that the article had been shipped in interstate commerce within the period from on or about September 3, 1942, to January 13, 1943, by the Gaston Canning Co. from Gaston, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Summer Sun Brand Tomatoes," "Monogram Brand Tomatoes * * * Distributed by the F. B. Ives Co., Oshkosh, Wis.," or "Dearborn Club Tomatoes * * * Franklin MacVeagh and Company Distributors Chicago, Ill."

Between May 8 and August 7, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5045. Misbranding of canned tomatoes. U. S. v. 898 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9380. Sample No. 19662-F.)

On February 15, 1943, the United States attorney for the District of Massachusetts filed a libel against 898 cases, each containing 24 cans, of tomatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 25, 1942, by Albert W. Sisk & Son, from Trappe, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pine Cone Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulation as provided by law, but its quality fell below such standard because the peel per pound of canned tomatoes in the container covered an area of more than 1 square inch, and its label failed to bear, in such manner and form as the regulation specify, a statement that it fell below the standard.

On April 20, 1943, J. Roland Stewart of Trappe, Md., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5046. Misbranding of canned tomatoes. U. S. v. 554 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 8890. Sample No. 9748-F.)

Examination showed this product to be substandard since its drained weight was less than 50 percent of the weight of water required to fill the container, and the quantity of peel per pound of canned tomatoes covered an area of more than 1 square inch.

On November 21, 1942, the United States attorney for the Western District of Louisiana filed a libel against 554 cases of canned tomatoes at Monroe, La., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by the Alpena Canning Co. from Kensett, Ark.; and charging that it was misbranded (1) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard; and (2) in that its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Alpena Brand Hand Packed Tomatoes."

On July 9, 1943, the Ritchie Grocer Co. of Monroe, La., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5047. Adulteration of tomato catsup. U. S. v. Stockton Food Products, Inc. Plea of guilty to the 2 counts of the information. Fine, \$7,500 on the first count, \$500 on the second count. (F. D. C. No. 8745. Sample Nos. 76905-E, 95012-E.)

This product contained mold, indicating the presence of decomposed material.

On December 24, 1942, the United States attorney for the Northern District of California filed an information against the Stockton Food Products, Inc., at Stockton, Calif., alleging (1) that on or about May 16, 1940, the defendant gave to the Harcourt Greene Co. of San Francisco, Calif., a guaranty that all food products sold by the defendant to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; (2) that on or about October 21, 1941, the Harcourt Greene Co., relying on the guaranty, entered into a contract with Globe Sales Co. of San Francisco, Calif., for the sale by the Harcourt Greene Co. to the Globe Sales Co. of a quantity of tomato catsup, the contract containing a guaranty that none of the goods sold under the contract would be either adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; and (3) that on or about February 11 and March 18, 1942, the defendant sold and delivered quantities of tomato catsup to the Harcourt Greene Co., and the product was, on or about the same dates, delivered by the latter to the Globe Sales Co. of San Francisco, Calif., and was on or about February 28 and March 19, 1942, delivered for introduction into interstate commerce from California into the States of Rhode Island and Iowa. The information charged further that the defendant, in violation of said act, had given to the Harcourt Greene Co. a guaranty which was false, since the tomato catsup so sold and delivered was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Valley Bloom Brand Tomato Catsup."

On July 6, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$7,500 on the first count of the information and \$500 on the second count.

5048. Misbranding of tomato catsup. U. S. v. 125 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9604. Sample No. 43912-F.)

This product was short weight, the average shortage being 7.07 percent.

On or about March 24, 1943, the United States attorney for the Western District of Missouri filed a libel against 125 cases, each containing 6 No. 10 cans of tomato catsup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 15, 1943, by the Perry Canning Co., from Perry, Utah; and charging that it was misbranded. The article was labeled in part: (Cans) "Gateway Brand Tomato Catsup Net Weight 7 Lb. 12 Oz."

The article was alleged to be misbranded in that the statement "Net Weight 7 Lb. 12 Oz." was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 4, 1943, the Perry Canning Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5049. Adulteration of tomato juice. U. S. v. Francis C. Stokes Co. Plea of guilty. Fine, \$300. (F. D. C. No. 8837. Sample Nos. 17578-F, 22437-F, 22439-F.)

This product contained mold, indicating the presence of decomposed material.

On April 28, 1943, the United States attorney for the District of New Jersey filed an information against the Francis C. Stokes Co., a corporation, at Vincentown, N. J., alleging shipment on or about October 23 and December 1, 1942, from the State of New Jersey into the States of New York and Pennsylvania of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "White Rose * * * Pure Tomato Juice, * * * Seeman Brothers Incorporated, Distributors," or "Stokes * * * Tomato Juice."

On July 10, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

5050. Adulteration of tomato juice. U. S. v. 1,328 Cases of Tomato Juice. Consent decree of condemnation. Product ordered released under bond for segregation and sale of the unfit portion for use in the manufacture of animal feed. (F. D. C. No. 9423. Sample No. 16139-F.)

On or about March 2, 1943, the United States attorney for the District of Colorado filed a libel against 1,328 cases, each containing 24 cans, of tomato juice at Denver, Colo., which had been shipped by the Fair View Packing Co., Inc., alleging that the article had been shipped in interstate commerce on or about November 14, 1942, from Hollister, Calif.; and charging that it was adulterated in that it consisted in whole or in part of decomposed tomato material, as evidenced by mold. The article was labeled in part: (Cans) "Blue Sky Tomato Juice."

On June 25, 1943, the Fair View Packing Co., Inc., claimant, having admitted that a portion of the product was adulterated as alleged, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated under the supervision of the Food and Drug Administration and sold as animal feed.

5051. Adulteration of tomato juice. U. S. v. 498 Cases of Tomato Juice. Consent decree of condemnation and destruction. (F. D. C. No. 9526. Sample No. 38226-F.)

On March 12, 1943, the United States attorney for the Northern District of Illinois filed a libel against 498 cases, each containing 12 bottles, of tomato juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 21, 1943, by the Loudon Packing Co. from Saratoga, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, decomposed tomato material as evidenced by mold. The article was labeled in part: (Bottle cap) "Good Morning Tomato Juice."

On May 24, 1943, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5052. Adulteration of tomato paste. U. S. v. 99 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond to be destroyed or brought into compliance with the law. (F. D. C. No. 9493. Sample No. 11080-F.)

On March 5, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 99 cases, each containing 48 jars, of tomato paste at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 20, 1943, by the Riverbank Canning Co. from Riverbank, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, viable bacteria and sour, decomposed tomato paste, and in that it consisted in whole or in part of filthy substances, larvae, flies, and beetles. The article was labeled in part: "Madonna Fancy Tomato Paste."

On April 21, 1943, the European Import Corporation of Clayton, St. Louis County, Mo., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

5053. Adulteration of tomato paste. U. S. v. 47 Cases and 250 Cases of Tomato Paste. Decrees of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. Nos. 7171, 7172. Sample Nos. 95032-E to 95034-E, incl.)

Examination showed this product to contain decomposed material as evidenced by mold.

On April 10, 1942, the United States attorney for the Western District of Pennsylvania filed libels against a total of 297 cases of tomato paste, each containing 100 cans, at Pittsburgh, Pa., alleging that the article had been shipped in interstate com-

merce on or about March 13, 1942, by the Harcourt Greene Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Contadina Tomato Paste * * * Packed By Hershel Cal. Fruit Prod. Co. San Jose, Calif."

On June 4, 1943, the Hershel California Fruit Products Co. of San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5054. Adulteration of tomato paste. U. S. v. 80 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 9552. Sample No. 19195-F.)

On March 17, 1943, the United States attorney for the District of New Jersey filed a libel against 80 cases, each containing 100 cans, of tomato paste at West New York, N. J., alleging that the article had been shipped in interstate commerce on or about November 2, 1942, by the Flotill Products, Inc., from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of decomposed tomato material, as evidenced by mold. The article was labeled in part: (Cans) "Flotta Brand * * * Extra Fancy Concentrated Tomato Paste."

On July 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 5054 to 5059 report actions involving tomato puree, samples of which were found to contain mold, indicating the presence of decomposed material.

5055. Adulteration of tomato puree. U. S. v. William Laning & Son Co. Plea of guilty. Fine, \$400. (F. D. C. No. 8803. Sample Nos. 17993-F, 19530-F, 24126-F, 28134-F.)

On May 11, 1943, the United States attorney for the District of New Jersey filed an information against the William Laning & Son Co., a corporation, at Bridgeton, N. J., alleging shipment within the period from on or about September 2 to October 19, 1942, of a quantity of tomato puree from the State of New Jersey into the States of Florida, Massachusetts, and New York, and the District of Columbia; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Premier * * * Tomato Puree Francis H. Leggett & Co., Distributors, New York," "Silver Lake Brand Whole Tomato Puree," or "Good Year GY M-L Co Inc Tomato Puree * * * Mazo-Lerch Co., Incorporated Distributors Washington, D. C."

On June 11, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

5056. Adulteration of tomato puree. U. S. v. 498 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9332. Sample No. 6589-F.)

On February 8, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 498 cases, each containing 6 No. 10 cans, of tomato puree at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 28, 1942, by the Swayzee Canning Co. from Swayzee, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 15, 1943, the shipper having entered an appearance but subsequently having abandoned its claim, judgment of condemnation was entered and the product was ordered destroyed.

5057. Adulteration of tomato puree. U. S. v. 38 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9436. Sample No. 9592-F.)

On February 25, 1943, the United States attorney for the Western District of Louisiana filed a libel against 38 cases of tomato puree at Lafayette, La., alleging that the article had been shipped in interstate commerce on or about November 13, 1942, by the Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Realm * * * Puree of Tomatoes * * * Packed For Household Products Co., Chicago, Ill. By Butterfield Canning Co., Muncie, Ind."

On June 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5058. Adulteration of tomato puree. U. S. v. 50 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9433. Sample No. 38233-F.)

On or about March 5, 1943, the United States attorney for the Northern District of Illinois filed a libel against 50 cases of tomato puree at Chicago, Ill., alleging

that the article had been shipped in interstate commerce on or about December 1, 1942, by the Fort Atkinson Canning Corporation from Fort Atkinson, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. By amended decree of June 30, 1943, the marshal was ordered to deliver a portion of the product to the Food and Drug Administration.

5059. Adulteration of tomato puree. U. S. v. 298 Cases of Tomato Puree. Default decree of condemnation. Product ordered delivered to a public or private charitable institution. (F. D. C. No. 9455. Sample No. 11241-F.)

On March 1, 1943, the United States attorney for the Northern District of New York filed a libel against 298 cases, each case containing 6 No. 10 cans, of tomato puree at Utica, N. Y., alleging that the article had been shipped in interstate commerce on or about February 16, 1943, by the Independent Grocers Alliance from Oakland, Calif.; and charging that it was adulterated in that it contained decomposed tomato material. The article was labeled in part: (Cans) "H M Hi Man Fancy Tomato Puree * * * Louis T. Snow & Co. Distributors San Francisco, Calif."

On June 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public or private charitable institution.

5060. Adulteration of tomato puree. U. S. v. 48 Cases of Tomato Puree (and 2 additional seizure actions against tomato puree). Default decree of condemnation. Two of the lots ordered destroyed. Good portion of remaining lot ordered delivered to a welfare organization. (F. D. C. Nos. 9453, 9454, 9961. Sample Nos. 8964-F, 8969-F, 10457-F, 10458-F.)

On or about March 2 and 16, and May 21, 1943, the United States attorneys for the District of Oregon, the Western District of Washington, and the Southern District of Texas filed libels against 48 cases of tomato puree at Portland, Oreg., 147 cases of tomato puree at Seattle, Wash., and 249 cases of tomato puree at Houston, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about January 22 to February 19, 1943, by the Frank Raiter Canning Co. from Salinas, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Red Sail Product of U.S.A. Tomato Puree."

Between April 6 and June 29, 1943, no claimant having appeared, judgments of condemnation were entered. The lot located at Portland, Oreg., was ordered sorted, the good portion to be delivered to a welfare organization and the remainder to be destroyed. The lots located at Seattle, Wash., and Houston, Tex., were ordered destroyed.

5061. Adulteration of hot sauce. U. S. v. 24 Cases, 20 Cases, and 54 Cases of Louisiana Hot Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 9105, 9195, 9366. Sample Nos. 9839-F, 19107-F, 24965-F.)

On January 4 and 15, and February 12, 1943, the United States attorneys for the Eastern District of New York, the Eastern District of Virginia, and the Southern District of Mississippi filed libels against 24 cases of hot sauce at Brooklyn, N. Y., 20 cases of hot sauce at Norfolk, Va., and 54 cases of hot sauce at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about October 16 and 20, and November 28, 1942, by the J. J. Garvey Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Garvey's Louisiana 'Hot Stuf' Red Pepper Sauce," or "Garvey's Oyster and Fish Louisiana Hot Sauce."

On March 16 and 24 and May 7, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5062. Adulteration of hot sauce. U. S. v. 271 Cases of Hot Sauce (and 2 additional seizure actions against hot sauce). Default decrees of condemnation and destruction. (F. D. C. Nos. 9078, 9226, 9368. Sample Nos. 2782-F, 8942-F, 9039-F.)

From on or about December 31, 1942, to February 15, 1943, the United States attorneys for the Western District of Missouri and the Northern and Southern Districts of Texas filed libels against 271 cases, each containing 36 bottles, of hot sauce at Kansas City, Mo., 23 barrels, containing 40 to 50 gallons, of hot sauce at Dallas, Tex., and 68 cases, each containing 36 bottles, of hot sauce at Houston, Tex., alleging

ing that the article had been shipped in interstate commerce within the period from on or about September 17 to December 28, 1942, by the Pine Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Bottles) "Pine Grove Brand Louisiana Hot Sauce," (barrels) "Hot Sauce Base."

Between March 22 and April 3, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

MEAT AND POULTRY

5063. Adulteration of dressed rabbits. U. S. v. 10 Boxes of Dressed Rabbits. Default decree of condemnation and destruction. (F. D. C. No. 9443. Sample Nos. 17654-F, 17655-F.)

On February 25, 1943, the United States attorney for the Southern District of New York filed a libel against 10 60-pound boxes of dressed rabbits at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 23, 1943, by the Marvo Products Co. from Ellis, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On March 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5064. Adulteration of dressed rabbits. U. S. v. 1 Barrel of Dressed Rabbits. Default decree of condemnation and destruction. (F. D. C. No. 9253. Sample Nos. 17638-F, 17647-F.)

Examination showed this product to contain parasitic worms.

On January 27, 1943, the United States attorney for the Southern District of New York filed a libel against 1 barrel of dressed rabbits at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1942, by C. H. Hansen & Co. from Preston, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On February 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5065. Adulteration of pork sausage and frankfurters. U. S. v. 240 Cartons and 389 Cartons of Pork Sausage, and 250 Cartons of Frankfurters. Decrees of condemnation. One lot ordered sold for salvage grease. Remaining lot ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. Nos. 9428 to 9430, incl. Sample Nos. 9597-F, 9598-F, 10261-F to 10263-F, incl.)

On February 24 and on or about February 26, 1943, the United States attorneys for the Southern District of Mississippi and the Eastern District of Louisiana filed libels against 240 cartons of pork sausage and 250 cartons of frankfurters, each carton containing 60 pounds, at Keesler Field, Biloxi, Miss., and 389 60-pound cartons of pork sausage at New Orleans, La., alleging that the articles had been shipped in interstate commerce within the period from on or about February 2 to 15, 1943, by the Buring Packing Co. (Nat Buring Packing Co.) from Memphis, Tenn.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances.

On March 8, 1943, no claimant having appeared for the lot located at Biloxi, Miss., judgment of condemnation was entered and the product was ordered sold for salvaging the grease under the supervision of the Food and Drug Administration.

On March 26, 1943, the Nat Buring Packing Co. having appeared as claimant for the lot located at New Orleans, La., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregating the fit portion from the unfit and destruction of the latter under the supervision of the Food and Drug Administration. The decomposed portion of the lot at New Orleans was sold to a rendering plant for recovery of the grease.

5066. Adulteration of frozen dressed fowl. U. S. v. 33 Boxes of Frozen Dressed Fowl. Consent decree of condemnation and destruction. (F. D. C. No. 9469. Sample No. 2358-F.)

On February 13, 1943, the United States attorney for the Northern District of Illinois filed a libel against 33 boxes of frozen dressed fowl at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 4, 1943, by the Henderson Produce Co. from Monroe City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of diseased animals.

On April 2, 1943, the Henderson Produce Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

Nos. 5067 to 5069 report actions involving nut meats that were found to be contaminated with *Escherichia coli*, an organism which indicates pollution of fecal origin. The first two were also found to contain one or more other types of filth, such as rodent hairs, cat hairs, feather barbules, and insect fragments.

5067. Adulteration of black walnut kernels. U. S. v. 22 Cases of Black Walnut Kernels. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9252. Sample No. 5871-F.)

On January 29, 1943, the United States attorney for the Western District of Tennessee filed a libel against 22 cases, each containing 35 pounds, of black walnut kernels at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by the Mullins Produce Co. from West Plains, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, and in that it had been prepared under insanitary conditions.

On June 9, 1943, Alvin Mullins having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by washing, cleaning, and pasteurizing, under the supervision of the Food and Drug Administration.

5068. Adulteration of walnut kernels. U. S. v. 46 Cartons of Walnut Kernels. Default decree of condemnation and destruction. (F. D. C. No. 9191. Sample No. 23201-F.)

On January 14, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 46 5-pound cartons of walnut kernels at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce on or about December 9, 1942, by the J. R. Traubarger Produce & Feed Co. from Kingsport, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: (Carton) "Pasteurized Black Walnut Kernels."

On February 12, 1943, no claimant having appeared, judgment of condemnation was entered and the court ordered that the seized product be destroyed by the marshal. On May 17, 1943, the marshal having been unable to comply with the order of the court because the product had been returned to the shipper, the case was ordered closed.

5069. Adulteration of pecan pieces and pecan granules. U. S. v. 3 Boxes of Pecan Granules and 39 Boxes of Pecan Pieces. Default decrees of condemnation and destruction. (F. D. C. Nos. 9081, 9089. Sample Nos. 22435-F, 28746-F.)

On December 28 and 31, 1942, the United States attorney for the Eastern District of Pennsylvania and the Western District of North Carolina filed libels against the above described products at Philadelphia, Pa., and Charlotte, N. C., alleging that the articles had been shipped in interstate commerce on or about November 30 and December 4, 1942, by the Southland Pecan Co., Inc., from Columbus, Ga.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Gold Medal Pecan Granules," or "Gold Medal Pecans Selected Pieces."

On January 15 and February 8, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

Nos. 5070 to 5078 report actions involving nuts that were found to contain one or more types of filth, such as insect and worm excreta, rodent and cat hairs, insect fragments and webbing, larvae, pupae, cocoons, moths, beetles, and feather barbules. In addition, many lots were rancid, moldy, and decomposed, and showed evidence of insect and worm cutting.

5070. Adulteration of Brazil nuts. U. S. v. 19 Bags, 30 Bags, and 16 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for segregation of the fit portion from the unfit portion. (F. D. C. Nos. 8953, 8960, 8969. Sample Nos. 12433-F, 12436-F, 30502-F.)

On December 8, 1942, the United States attorney for the Western District of Washington filed a libel against a total of 65 100-pound bags of Brazil nuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by Wm. A. Higgins & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bag) "Holly New Crop Large Washed Brazil Nuts."

On December 15, 1942, Schwabacher Bros. & Co., Inc., the American Wholesale Grocery Co., and the Matchett-Macklem Co., all of Seattle, Wash., having appeared as claimants for respective portions of the article and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered

released under bond for segregation of the fit portion from the unfit portion, under the supervision of the Food and Drug Administration, and for disposal of the product in compliance with the law.

5071. Adulteration of walnut meats. U. S. v. Lewis R. Stone (L. R. Stone Co.). Plea of nolo contendere. Fine, \$150; \$50 on each of 6 counts, with payment of fine on last 3 counts suspended. (F. D. C. No. 7661. Sample Nos. 7390-F, 9726-F, 12188-F, 12197-F, 17434-F, 22632-F.)

On May 27, 1943, the United States attorney for the Southern District of California filed an information against Lewis R. Stone, trading as L. R. Stone Co. at Los Angeles, Calif., alleging shipment within the period from on or about November 6 to December 1, 1942, from the State of California into the States of Washington, Pennsylvania, New York, Louisiana, and North Dakota of quantities of walnut meat that were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The article was labeled in part: "Golden Pak California Shelled Walnut Meats."

On June 14, 1943, a plea of nolo contendere having been entered, the court imposed a fine of \$50 on each of 6 counts in the information, with the provision that the fine on the last 3 counts would be suspended if the payment of the fine on the first 3 counts was made within a week from the date of imposition of sentence.

5072. Adulteration of walnut meats. U. S. v. 12 Cases of Shelled Walnut Meats (and 9 additional seizure actions against walnut meats). Default decrees of condemnation and destruction as to 5 of the lots; decrees of condemnation providing for release of the remaining lots under bond for reprocessing. (F. D. C. Nos. 8905, 9068, 9096, 9115, 9141, 9149 to 9151, incl., 9383, 9747. Sample Nos. 479-F, 7390-F, 9726-F, 12188-F, 12497-F, 17434-F, 20127-F to 20129-F, incl., 22632-F.)

Between November 21, 1942, and April 3, 1943, the United States attorneys for the Western District of Washington, the Eastern District of Pennsylvania, the Southern District of New York, the Western District of Louisiana, the District of North Dakota, the District of Massachusetts, the Eastern District of Wisconsin, and the District of Idaho filed libels against 12 cases of shelled walnut meats at Takoma, Wash., 36 cartons at Philadelphia, Pa., 25 cartons at New York City, N. Y., 27 cartons at Alexandria, La., 41 cartons at Fargo, N. Dak., 43 cartons at Springfield, Mass., 50 cartons at Holyoke, Mass., 15 cartons at Milwaukee, Wis., and 25 cases at Boise, Idaho, the cases and cartons each containing 25 pounds of shelled walnut meats, alleging that the article had been shipped in interstate commerce within the period from on or about November 6, 1942, to April 12, 1943, by the L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Pak California Shelled Walnut Meats."

On February 1, 1943, the Quaker Products Co. of Philadelphia, Pa., having appeared as claimant for the lot located at Philadelphia, Pa., judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. On March 6 and 19, 1943, L. R. Stone, trading and doing business as L. R. Stone Co. of Los Angeles, Calif., having appeared as claimant for the lots located at Fargo, N. Dak., and Springfield and Holyoke, Mass., judgments of condemnation were entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration, and destruction of the unfit portions. Between January 8 and June 16, 1943, no claimant having appeared for the remaining lots, default decrees of condemnation were entered and the product was ordered destroyed.

5073. Adulteration of walnut meats. U. S. v. 3 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 9144. Sample No. 18949-F.)

On January 8, 1943, the United States attorney for the District of New Jersey filed a libel against 3 cartons of walnut meats at Linden, N. J., alleging that the article had been shipped in interstate commerce on or about November 30, 1942, by the L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5074. Adulteration of walnut meats. U. S. v. 300 Cartons of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9525. Sample No. 18527-F.)

On or about March 12, 1943, the United States attorney for the Southern District of New York filed a libel against 300 cartons, each containing 25 pounds, of shelled walnuts at New York, N. Y., alleging that the article had been shipped in interstate

commerce on or about February 1, 1943, by the Herman C. Fisher Co., from Orange, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances.

On March 31, 1943, the Herman C. Fisher Co. of San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

5075. Adulteration of walnut meats. U. S. v. 1 Case and 39 Cartons of Walnut Meats. Decrees of condemnation. One lot ordered destroyed. The remaining lot ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 8618, 9826. Sample Nos. 12157-F, 42504-F.)

On October 22, 1942, and April 22, 1943, the United States attorney for the Western District of Washington filed libels against 1 case and 39 cartons, each containing 25 pounds, of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 31, 1942, and February 5, 1943, by Granton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Packed for Frederick & Nelson Seattle, Wash. Standard Ambergrade Shelled Walnuts," or "California Light Amber Shelled Walnuts."

On June 10, 1943, Frederick and Nelson Co. of Seattle, Wash., having appeared as claimant for the 39 cartons covered by one of the libels, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

On July 13, 1943, no claimant having appeared for the one case, judgment of condemnation was entered and the product was ordered destroyed.

5076. Adulteration of walnut meats. U. S. v. 40 Cartons and 68 Cartons of Walnut Meats. Consent decree of condemnation. (F. D. C. Nos. 9154, 9235. Sample Nos. 12461-F, 12464-F, 13256-F.)

On January 12 and February 1, 1943, the United States attorney for the Western District of Washington filed libels against a total of 108 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 21 and 30, 1942, by Morris Rosenberg from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On May 17, 1943, Morris Rosenberg having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The good portion was separated from the bad and the latter destroyed or denatured.

5077. Adulteration of pecan meats. U. S. v. 12 Cases of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 9515. Sample No. 12945-F.)

On March 11, 1943, the United States attorney for the Eastern District of Washington filed a libel against 12 60-pound cases of walnut meats at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about June 13, 1942, by the L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances. The article was labeled in part: "Bargain Pecan Pieces."

On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5078. Adulteration of pecan halves. U. S. v. 20 Cases of Pecan Halves. Consent decree of condemnation. Product ordered released under bond for reconditioning of the fit portion and destruction of the unfit portion. (F. D. C. No. 9605. Sample No. 18533-F.)

On March 24, 1943, the United States attorney for the Eastern District of New York filed a libel against 20 60-pound cases of pecan halves at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 4, 1943, by the Associated Pecan Co. from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "No. 2 Pecan Halves * * * South Georgia Pecan Co. Valdosta, Ga."

On May 5, 1943, A. Pearlman & Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under

bond for reconditioning by hand-picking and cleaning of the fit portion and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5079. Adulteration of chipped coconut. U. S. v. 40 Cases of Chipped Cocoanut. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9338. Sample No. 31777-F.)

On February 8, 1943, the United States attorney for the Northern District of Ohio filed a libel against 40 130-pound cases of chipped coconut at Bryan, Ohio, alleging that the article had been shipped in interstate commerce on or about December 5, 1941, by the Stein Hall Manufacturing Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "McCord's Blue Bar Cocoanut Blue Bar Cocoanut Company Byron Ohio."

On March 2, 1943, the Spangler Candy Co., Bryan, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5080. Adulteration of shredded coconut. U. S. v. 15 Boxes of Shredded Cocoanut. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9337. Sample No. 31776-F.)

On February 8, 1943, the United States attorney for the Northern District of Ohio filed a libel against 15 130-pound boxes of shredded coconut at Bryan, Ohio, alleging that the article had been shipped in interstate commerce on or about August 4, 1942, by the Braun Importing Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 2, 1943, the Spangler Candy Co., Bryan, Ohio, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5081. Adulteration and misbranding of peanuts. U. S. v. 6 Cases of Salted Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 9490. Sample No. 30874-F.)

On March 6, 1943, the United States attorney for the Eastern District of Washington filed a libel against 6 cases, each containing 60 bags, of salted peanuts at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 31, 1943, by the Reliable Nut Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bags) "Royal Seal Fancy Salted Spanish Peanuts * * * Vegetable Oil."

The article was alleged to be adulterated in that salted peanuts containing mineral oil had been substituted wholly or in part for salted peanuts containing pure vegetable oil, which the article purported to be.

The article was alleged to be misbranded in that the statement, "Peanuts, Salt, Pure Vegetable Oil," was false and misleading as applied to an article consisting of peanuts, salt, and mineral oil, a non-nutritive substance.

On May 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5082. Adulteration of peanut butter. U. S. v. 86 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 9421. Sample No. 9446-F.)

On February 23, 1943, the United States attorney for the Western District of Louisiana filed a libel against 86 cases, each containing 12 jars, of peanut butter at Monroe, La., alleging that the article had been shipped in interstate commerce on or about December 10, 1942, by the Southland Products Co., from Jackson, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, dirt. The article was labeled in part: (Jars) "Southland Brand Peanut Butter."

On April 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or otherwise disposed of by the marshal, as provided by law.

5083. Adulteration and misbranding of peanut butter. U. S. v. 40 Cases of Peanut Butter (and 3 additional seizure actions against peanut butter). Default decrees of condemnation. Portion of product ordered delivered to a Federal institution for use as hog feed; remainder ordered destroyed. (F. D. C. Nos. 9341, 9342, 9827, 9945. Sample Nos. 28451-F, 28452-F, 36064-F, 36111-F, 36113-F.)

This product contained dirt, and portions also contained rodent hairs, insect fragments and grit.

On February 10 and May 31, 1943, the United States attorneys for the Southern District of Georgia and the District of Wyoming filed libels against 62 cases, each

case containing jars of various sizes, of peanut butter at Augusta, Ga., and 105 cases, each case containing jars of various sizes, of peanut butter at Rawlins, Wyo., alleging that the article had been shipped in interstate commerce within the period from on or about October 30, 1942, to January 8, 1943, by the Jaxon Foods, Inc., from Jacksonville, Fla.; and charging that it was adulterated and misbranded.

On April 21, 1943, the United States attorney for the District of Colorado filed a libel against 82 cases, each case containing jars of various sizes, of peanut butter at Denver, Colo., which had been shipped by the Jaxon Foods, Inc., of Jacksonville, Fla., alleging that the article had been shipped on or about June 27, 1942, from Jacksonville, Fla.; and charging that it was adulterated. The article was labeled in part: "Besmaid Peanut Butter * * *," "Meadow Lark Peanut Butter * * *," or "Little Moore Brand 'Its Good' Peanut Butter." It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot located at Augusta, Ga., was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The 12-ounce jars were alleged to be misbranded in that the statement appearing on the labeling, "Net Wt. 12 Ozs.," was false and misleading since it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between May 6 and August 5, 1943, no claimant having appeared, judgments of condemnation were entered and the lots located at Augusta, Ga., were ordered delivered to a Federal institution for use as hog feed, and the remaining lots were ordered destroyed.

5084. Misbranding of peanut butter. U. S. v. The Geo. E. Pellens Company. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 8806. Sample Nos. 4367-F, 4368-F, 4559-F, 4560-F.)

On March 29, 1943, the United States attorney for the Southern District of Ohio filed an information against the Geo. E. Pellens Co., a corporation, at Cincinnati, Ohio, alleging shipment within the period from on or about September 15 to 25, 1942, from the State of Ohio into the States of Kentucky and Indiana of a quantity of peanut butter that was misbranded. The article was labeled in part: (Jars) "Rayo Peanut Butter * * * Net Wt. 8 Oz. [or "Contents 12 Oz." or "Contents 24 Oz."]."

The article was alleged to be misbranded in that the statements, "Net Wt. 8 Oz [or "Contents 12 Oz.," or "Contents 24 Oz."]," borne on the labels were false and misleading since the jars did not contain the amount declared, but did contain a smaller amount. It was alleged to be misbranded further in that it was a food in package form and its label did not bear an accurate statement of the quantity of the contents.

On July 27, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

5085. Misbranding of peanut butter. U. S. v. 50 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for repackaging. (F. D. C. No. 9365. Sample No. 18960-F.)

This product was short of the declared weight.

On February 12, 1943, the United States attorney for the District of New Jersey filed a libel against 50 cases of peanut butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the H & M Packing Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Champion Brand Peanut Butter Made from No. 1 Peanuts Net Wt. 12 oz."

The article was alleged to be misbranded in that the statement, "Net. Wt. 12 oz.," was false and misleading as applied to an article that was short weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On July 21, 1943, the H & M Packing Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repackaging under the supervision of the Food and Drug Administration, so that each jar would contain 12 ounces, in compliance with the law.

5086. Misbranding of peanut butter. U. S. v. 67 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 9434. Sample No. 9731-F.)

This product was short weight.

On March 6, 1943, the United States attorney for the Southern District of Mississippi filed a libel against 67 cases of peanut butter, each containing 24 jars,

at Gulfport, Miss., alleging that the article had been shipped in interstate commerce on or about August 21, 1942, by the Dillon Candy Co., Inc., from Jacksonville, Fla.; and charging that it was misbranded. The article was labeled in part: (Jars) "Dubon Brand Net Wt. 6 Ozs. Peanut Butter * * * Distributed By Dubon Company New Orleans La."

The article was alleged to be misbranded in that the statement "Net Wt. 6 Ozs." was false and misleading as applied to an article which was shortweight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

5087. Adulteration and misbranding of oils. U. S. v. Frank Arminante (Rinascente Oil Co.). Plea of not guilty. Trial by jury. Verdict of guilty. Sentenced to 3 weeks in jail on each of 6 counts, the sentences to run concurrently. (F. D. C. No. 7288. Sample Nos. 56658-E, 56676-E, 56677-E.)

On March 31, 1943, the United States attorney for the Southern District of New York filed an information against Frank Arminante, trading as Rinascente Oil Co., at New York City, N. Y., alleging shipment and delivery for shipment within the period from on or about March 19 to May 20, 1941, from the State of New York into the State of Connecticut of quantities of oil that was adulterated and misbranded. Two of the shipments were labeled, respectively: "Italian Product Imported Virgin Olive Oil Super-Fine Brand Lucca Italy," and "Extra Fine Oil Superfine Brand." One shipment was labeled: "1 Gal."

The lot labeled "Olive Oil" was alleged to be adulterated in that an artificially flavored and artificially colored mixture of cottonseed oil and an oil similar to corn oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it was represented to be. All lots of the oil were alleged to be adulterated (1) in that they were imitations of olive oil, consisting essentially of artificially flavored and artificially colored mixtures of cottonseed oil or oils similar to corn oil or soy oil, and were inferior to olive oil, such inferiority having been concealed by the addition of artificial flavoring and artificial coloring; (2) in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was; and (3) in that it contained a coal-tar color, Quinizarine Green, other than one from a batch that had been certified to in accordance with the regulations as provided by law.

All lots were alleged to be misbranded (1) in that they consisted of mixtures of oils containing little, if any, olive oil and were colored and flavored in imitation of olive oil, and their labels did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (2) in that they were in package form and did not bear labels containing the name and place of business of the manufacturer, packer, or distributor; and (3) in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each such ingredient.

The portions labeled "Olive Oil" and "Fine Oil" were alleged to be misbranded further in that they contained artificial flavoring and artificial coloring and did not bear labeling stating those facts; and in that the words, statements, or other information required by or under authority of law to appear on the label or labeling were not placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the tin label bore representations in the Italian language and, by reason of such representations, the article purported to be prepared for the Italian purchaser, and therefore the words, statements, and other information required by the act to appear on the label or labeling should appear thereon in the Italian language in order to be read and understood by the Italian purchaser, whereas such statements and other information did not appear on the labeling in that language.

The lot labeled in part "Olive Oil" was alleged to be misbranded further (1) in that the statements, "Italian Product Imported Virgin Olive Oil * * * Lucca Italy. This Olive Oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medical purposes. Imported Pure Olive Oil," (and similar statements in Italian) together with the design of olive branches, leaves, and olives, appearing on the tins, were false and misleading as applied to a mixture of cottonseed oil and an oil similar to corn oil, containing little, if any, olive oil; and (2) in that the product consisted of a mixture of cottonseed oil and an oil similar to corn oil and contained little, if any, olive oil, and it was offered for sale under the name of another food, olive oil.

On April 6, 1943, the defendant having entered a plea of not guilty, the case was tried to a jury on June 10, 14, and 15, 1943, and resulted in a verdict of guilty. On July 9, 1943, the defendant was sentenced to 3 weeks on each of the 6 counts of the information, the sentences to run concurrently.

5088. Misbranding of oil. U. S. v. 16 Cans and 18 Cans of Oil. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9767. Sample Nos. 26923-F, 26924-F.)

On or about April 12, 1943, the United States attorney for the District of New Jersey filed a libel against 16 cans and 18 cans of oil at Plainfield, N. J., alleging that the article had been shipped in interstate commerce on or about March 2, 1943, by Antonio and Peter Bottone, from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Net Contents One Gallon Marca Risveglio Brand Extra Fine Oil," or "Finest Quality Purezza Brand * * * One Gallon."

The article was alleged to be misbranded (1) in that the statements (Risveglio Brand) "Net Contents One Gallon," and (Purezza Brand) "One Gallon" were false and misleading as applied to the article, since it was short volume; (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it failed to bear a label containing an accurate statement of the quantity of the contents; (4) in that it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and failed to bear labeling stating that fact.

On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

5089. Adulteration and misbranding of mayonnaise. U. S. v. 15 Cases of Mayonnaise (and 7 additional seizure actions against mayonnaise). Default decrees of condemnation and destruction. (F. D. C. Nos. 9217, 9218, 9246, 9247, 9321, 9322, 9334, 9354. Sample Nos. 19554-F, 22594-F, 23159-F, 23160-F, 23164-F, 23213-F, 23217-F, 23218-F.)

Between January 19 and February 10, 1943, the United States attorneys for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, and the District of Massachusetts filed libels against 33 cases, each containing 4 1-gallon jars, and 30 1-gallon jars of mayonnaise at Philadelphia, Pa.; 13 cases, each containing 4 1-gallon jars, and 35 1-gallon jars, of mayonnaise at Allentown, Pa.; 6 cases, each containing 4 1-gallon jars and 3 1-gallon jars, of mayonnaise at Wilkes-Barre, Pa.; 13 1-gallon jars of mayonnaise at Hazleton, Pa.; and 26 1-gallon jars of mayonnaise at Boston, Mass., alleging that the articles had been shipped in interstate commerce within the period from on or about November 25 to December 19, 1942, by H. L. Barker, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Mayonnaise Quality Supreme Contains Vegetable Salad Oil."

The article was alleged to be adulterated (1) in that a valuable constituent, vegetable oil, had been in whole or in part omitted therefrom; (2) in that a substance containing mineral oil had been substituted wholly or in part for mayonnaise, which it purported and was represented to be; and (3) in that mineral oil, having no food value, had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded (1) in that the statement "Mayonnaise Quality Supreme * * * Vegetable Salad Oil," appearing in the labeling, was false and misleading as applied to an article made with mineral oil, a non-nutritive substance; (2) in that it was offered for sale under the name of another food; and (3) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. A portion was alleged to be misbranded further in that it failed to bear a label containing an accurate statement of the quantity of the contents. One lot was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since it contained egg whites, which was not mentioned in the label.

Between February 8 and May 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

5090. Adulteration and misbranding of Dina-Mite Cereal. U. S. v. 25 Cans of Dina-Mite Cereal. Default decree of condemnation and destruction. (F. D. C. No. 9194. Sample No. 12795-F.)

On January 25, 1943, the United States attorney for the District of Idaho filed a libel against the above-named product at Twin Falls, Idaho, alleging that the article

had been shipped in interstate commerce on or about November 27, 1942, by the Dina-Mite Food Co. from Spokane, Wash.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, a preparation of wheat, flax, and bran contaminated with rodent hairs and rodent excreta.

It was alleged to be misbranded in that the statements appearing on the label, "Good for Children * * * real muscle and blood-building elements with all the proteins, carbohydrates, minerals and bulk * * * Natural Laxative Food for Young and Old * * * Kiddies won't need coaxing to eat Dina-Mite * * * 'This is the only cereal of which the children ask for a second helping. Its a treat to them'," were false and misleading, since such statements failed to reveal the material facts that the roughage material which was contained in the article might be harmful to children and to old people by causing injury to the gastro-intestinal tract, and that the article contained no muscle and blood-building elements, proteins, carbohydrates, or minerals not found in the ordinary diet.

The article was alleged to be misbranded further in that it was represented as a food for special dietary uses by reason of the statement in its label, "* * * Vitamin B₁ * * * Natural Laxative Food for Young and Old * * * Good for Children * * * real muscle and blood building elements with all the proteins, carbohydrates, minerals and bulk," and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as had been prescribed by regulations and determined to be necessary in order to inform the purchaser fully as to its value for such uses, since the label did not declare all the special dietary properties upon which the special dietary use was based, i.e., the particular minerals and the presence of the non-nutritive substance, crude fiber, or the amount of such minerals and crude fiber, or a statement of the proportion of the minimum daily requirement for Vitamin B₁ supplied by the food when consumed in a specified quantity during a period of 1 day, as prescribed by the regulations.

On April 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5091. Adulteration and misbranding of Wheatmix. U. S. v. 534 Cartons of Wheatmix. Default decree of condemnation and destruction. (F. D. C. No. 9379. Sample No. 3226-F.)

On February 19, 1943, the United States attorney for the District of Nebraska filed a libel at Omaha, Nebr., against 534 cartons, each containing 1¾ pounds, of an article labeled in part "Dwarfies Wheatmix," alleging that the article had been shipped in interstate commerce on or about January 29, 1943, by the Dwarfies Corporation from Council Bluffs, Iowa, and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in part of filthy substances, rodent excreta, rodent hairs, larvae, and insect parts.

It was alleged to be misbranded in that the statement "25 Times More Vitamin-Rich Wheat Germ Than Whole Wheat," appearing on the label, was false and misleading since the article contained not more than nine times the wheat germ content of whole wheat. It was alleged to be misbranded further in that it was represented for special dietary use by reason of its vitamin B₁, vitamin E, vitamin A, vitamin B₂, iron, copper, calcium, iodine, and phosphorus content, and the label failed to bear such information concerning its vitamin and mineral properties as had been determined to be, and prescribed by regulations as necessary in order to fully inform the purchasers as to its value for such use, since its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of vitamin A, vitamin B₁, vitamin B₂, iron, calcium, iodine, and phosphorus, and the amount of vitamin E and copper supplied by the quantity of said article customarily or usually consumed during the period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period; and it failed to bear a statement that the need for vitamin E in human nutrition had not been established.

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5092. Misbranding of wheat germ. U. S. v. 24 Cases of Wheat Germ. Consent decree of condemnation and destruction. (F. D. C. No. 9373. Sample No. 2555-F.)

On February 15, 1943, the United States attorney for the District of Kansas filed a libel against 24 cases, each containing 12 20-ounce jars, of wheat germ at Kansas City, Kans., alleging that the article had been shipped in interstate com-

merce on or about January 22, 1943, by the Bita-Life Co. from Council Bluffs, Iowa; and charging that it was misbranded. The article was labeled in part: "Bita-Life Toasted Wheat Germ * * * Net Wt. 20 Oz."

The article was alleged to be misbranded in that the statements, "Lowered vitality, nervousness, lack of energy. For new PEP, new ENERGY, new VITALITY," appearing on the labeling was false and misleading since they represented and suggested to the mind of the reader the impression and belief that the article, when consumed as directed, would prevent or correct such conditions as lowered vitality, nervousness, and lack of energy and would supply new pep, new energy, and new vitality, whereas it would not be efficacious for such purposes. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary use, by reason of its vitamin B₁ vitamin B₂, vitamin E, niacin, phosphorus, iron, and calcium content, and its label failed to bear such information concerning its vitamin and mineral properties as had been declared to be and prescribed by regulations as necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of vitamin B₁, vitamin B₂, phosphorus, calcium, and iron, and the amount of vitamin E and niacin supplied by the quantity of the article customarily or usually consumed during the period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period; and it failed to bear a statement that the need for vitamin E in human nutrition had not been established.

On March 5, 1943, the Bita-Life Co., claimant, having entered its voluntary appearance and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5093. Adulteration and misbranding of Vi-Chocolin Delicious Vitamin Preparation. U. S. v. 10 Dozen Packages of Vi-Chocolin Delicious Vitamin Preparation. Default decree of condemnation and destruction. (F. D. C. No. 9103. Sample No. 21741-F.)

On January 4, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against the above-named product at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 11, 1942, by the Vitamin-Erg Co., Inc.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, vitamins A and D, had been in whole or in part omitted therefrom.

It was alleged to be misbranded in that the statements, (label) "Each package Contains Vitamin A 4,000 U. S. P. Units * * * Vitamin D 400 U. S. P. Units," and (display carton) "Each One-ounce Bar contains Daily Requirement of * * * Vitamin A 4,000 U. S. P. Units * * * Vitamin D 400 U. S. P. Units," were false and misleading since each package of the article did not contain 4,000 U. S. P. units of vitamin A or 400 U. S. P. units of vitamin D, and each 1-ounce bar did not contain the daily requirement of vitamins A and D. It was alleged to be misbranded further in that the statements on the display carton, "Each one-ounce Bar Contains Daily Requirement of the Five Essential Vitamins," and "Each package of Vi-Chocolin will give you Vitamin B₂ as much as 8 eggs, or 8 glasses of milk or $\frac{3}{4}$ lb. of American Cheese Vitamin C as much as $\frac{1}{2}$ orange or $\frac{1}{2}$ large lemon or 2 glasses of pineapple juice Vitamin A as much as in 4 eggs or 7 oz. of American cheese or 15 glasses of milk Vitamin B₁ as much as in $1\frac{3}{4}$ lbs. of lean beef or $13\frac{1}{2}$ oz. of fresh lima beans or 12 slices of 100% whole wheat bread," and designs picturing the various foods referred to, were misleading since they represented and suggested that the article contained all of the vitamins essential in normal nutrition and would provide the same nutritional factors as would consumption of the various food products with which it was compared, whereas it did not contain all of the vitamins essential to normal nutrition and would not provide the same nutritional factors as would consumption of the various food products with which it was compared; and such statements and designs were further misleading since they failed to reveal the material fact that the food products with which comparison was made contained many different nutritional factors and that it was unnecessary to rely upon the consumption of any single food as a particular dietary factor.

On March 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5094. Adulteration and misbranding of Be Plex. U. S. v. 47 Bottles of Be Plex Vitamin B Complex with Minerals and Iron. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 7393. Sample No. 71700-E.)

On April 23, 1942, the United States attorney for the Eastern District of Missouri filed a libel against the above-named product at St. Louis, Mo., alleging ship-

ment in interstate commerce on or about June 18, 1941, by the Oxford Products Co., from Cleveland, Ohio.

Biological examination of the article showed that it contained not more than 330 International units of vitamin B₁ per fluid ounce, whereas the label claimed 660 International units per fluid ounce.

The article was alleged to be adulterated in that a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements, "Valuable (in cases of vitamin deficiency) as an aid to promote appetite and in protecting the body from nerve disorder * * * Each fluid ounce contains: Vitamin B₁ 660 Int. Units * * * Indicated in certain cases of retarded growth, constipation, migraine headaches, and helpful promotion of greater vigor, functional digestion and wholesomeness of the skin. In cases of nutritional anemia as an aid to the formation of Red Blood Corpuscles," were false and misleading, since when used as directed the article would not be of any substantial value for such purposes.

The product was also alleged to be adulterated and misbranded as reported in Drugs and Devices Notices of Judgment.

On December 7, 1942, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FOOD PRODUCTS

GIFT PACKAGES *

5095. Adulteration and misbranding of packages of assorted fruits and gift packages containing assorted fruits, candy, nuts, and preserves. U. S. v. 11½ Dozen Packages of Assorted Fruits (and 3 additional seizure actions against packages of assorted fruits and gift packages). Default decrees of condemnation and destruction. (F. D. C. Nos. 9517, 9518, 10004, 10116. Sample Nos. 7121-F, 37130-F, 37676-F, 37677-F, 37683-F to 37685-F, incl.)

Between March 9 and June 19, 1943, the United States attorneys for the Eastern District of Missouri, the District of Columbia, and the Eastern District of Michigan filed libels against 11½ dozen packages of assorted fruits at St. Louis, Mo., 45 gift packages containing an assortment of fruit, candy, nuts, and preserves at Washington, D. C., and 71 dozen packages of assorted fruits and 11 dozen packages of assorted fruits and nuts at Detroit, Mich., alleging that the articles had been shipped in interstate commerce within the period from on or about February 11 to May 12, 1943, by the Golden Brand Nut Products, Inc., from New York, N. Y.; and charging that they were adulterated and misbranded. Portions of the assorted fruits were labeled in part: "The Finest Grown-Best Known Assorted Fruits."

The assorted fruits and fruit paste and prune paste in the gift packages were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence therein of one or more of the following: Larvae and insect fragments, rodent hairs, hairs resembling rodent hairs, and beetles. The lots located at Detroit were alleged to be adulterated further in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The lot of assorted fruit located at St. Louis, Mo., was alleged to be misbranded in that the statement in the list of the ingredients, "Finest Shelled Nuts," was false and misleading since there were no nuts present in the packages. The packages located at Washington, D. C., were alleged to be misbranded in that their containers were so made, formed, and filled as to be misleading, since the nut tray was elevated above the bottom of the box and the empty space under the tray was not visible from the top; the bottom of the main box was unnecessarily thick and the higher-priced nuts were packed in the top of the tray where they were visible.

Between April 6 and July 16, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5096. Adulteration of gift packages. U. S. v. 121 Boxes containing Cakes, Candy, Raisins, and 2 Jars of Jelly. Default decree of condemnation. Product ordered disposed of as hog feed. (F. D. C. No. 9178. Sample No. 15734-F.)

On January 14, 1943, the United States attorney for the District of Utah filed a libel against 121 boxes containing cakes, candy, raisins, and 2 jars of jelly at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about December 17, 1942, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that it was adulterated.

The jelly was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, hairs resembling rodent hairs and nondescript dirt. All products were alleged to be adulterated in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

* See also. Nos. 4950 and 4951, for gift packages containing candy as the only food product.

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as hog feed.

5097. Adulteration and misbranding of gift packages. U. S. v. 63 Gift Packages. Default decree of condemnation and destruction. (F. D. C. No. 9357. Sample No. 36960-F.)

These packages consisted of round boxes with snug fitting covers with a heart-shaped window. In the boxes were 10 thin corrugated paper cups surrounding a small wooden fruit basket. Four of the cups contained cookies, 4 contained candies, and the other 2 cups contained products labeled "Grape Flavor Apple Jelly" and "Damson Plum Jelly," respectively. The contents of the box and the fruit basket were short weight.

On February 11, 1943, the United States attorney for the District of Maryland filed a libel against 63 gift packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 25, 1943, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "To My Valentine."

The article was alleged to be adulterated in that an artificially flavored imitation grape-apple jelly had been substituted wholly or in part for "Grape Flavor Apple Jelly," which it was represented to be.

Misbranding was alleged (1) in that the statements "Net 1 Lb. 10 Oz.," on the box and "Net * * * 6 $\frac{2}{3}$ Ozs." on the fruit basket were false and misleading as applied to an article that was short weight; (2) in that the name "Damson Plum Jelly" was false and misleading since the product so labeled failed to conform to the definition and standard of identity promulgated pursuant to law for damson plum jelly; (3) in that the name "Grape Flavor Apple Jelly" was false and misleading since the product so labeled was an artificially flavored imitation grape-apple jelly; (4) in that the "Grape-Flavor Apple Jelly" was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (5) in that its container was so made, formed, and filled as to be misleading since the heart-shaped window exposed to view only candy, whereas the package also contained cookies and jelly; and furthermore that the fruit basket contained an excessive amount of paper stuffing, and the ingredient statement captioned "Altray-Mar-Zee-Pon" furthered the misleading impression that the container consisted of the marzipan candy fruits, an almond paste product; (6) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (7) in that it was fabricated from two or more ingredients and the common or usual name of each such ingredient, required by law to appear on the label, was not prominently placed thereon in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use; and (8) in that the jar labeled "Damson Plum Jelly" was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since its soluble solids content was less than 65 percent, as required by the standard.

On April 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5098. Adulteration and misbranding of gift packages. U. S. v. 55 Gift Packages. Default decree of condemnation and destruction. (F. D. C. No. 9762. Sample No. 36975-F.)

This product consisted of a circular cardboard box with a heart-shaped or egg-shaped window in the lid. In the center of the box was a small wooden berry-type basket containing seven small almond paste imitation fruits in paper cups. Surrounding this fruit basket were the various other items.

On April 6, 1943, the United States attorney for the District of Maryland filed a libel against 55 gift packages at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about January 29, 1943, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that they were misbranded and that one item contained in the packages, "Grape Flavor Apple Jelly," was also adulterated. The article was labeled in part: (Top of box) "To My Valentine," or "Easter Greetings"; (sticker on side of box) "Altray Mar-Zee-Pon Ingredients"; (sticker on fruit basket in box) "Altray Mar-Zee-Pon * * * Net Weight * * * 6 $\frac{2}{3}$ Ozs."; (label on one jar in box) "Grape Flavor Apple Jelly * * * Net 1 $\frac{1}{2}$ oz."; or (label on other jar in box) "Damson Plum Jelly."

The grape flavor apple jelly was alleged to be adulterated in that an artificially flavored grape jelly had been substituted wholly or in part for it.

The fruit basket and grape flavor apple jelly were alleged to be misbranded in that the statements "Net * * * 6 $\frac{2}{3}$ Ozs." on the former, and "1 $\frac{1}{2}$ Oz" on the jar containing the latter were false and misleading since the basket and jar were short

weight. Misbranding was further alleged in that the circular cardboard box and fruit basket were so made, formed, and filled as to be misleading since the heart-shaped or egg-shaped window exposed to view only candy, whereas the package also contained cookies and jelly; the basket contained an excessive amount of paper stuffing, and the ingredient statement for the "Mar-Zee-Pon," appearing on the outside container, furthered the misleading impression that the contents consisted of the marzipan candy fruits, an almond paste product, whereas it consisted also of cookies and jelly. The grape flavor apple jelly was alleged to be misbranded in that the name "Grape Flavor Jelly" was false and misleading as applied to an artificially flavored imitation grape jelly, and in that it was an imitation of another food, grape jelly, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated. The fruit basket, jar of "Grape Flavor Apple Jelly," and jar of "Damson Plum Jelly" were alleged to be misbranded in that they were food in package form and the jars of jelly and the fruit basket failed to bear a label containing an accurate statement of the quantity of the contents.

On May 8, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5099. Misbranding of gift packages. U. S. v. 19 Gift Packages (and 4 additional seizure actions against gift packages). Default decrees of condemnation. A portion of the product ordered distributed to charitable institutions; the remainder ordered destroyed. (F. D. C. Nos. 9123, 9124, 9183, 9204, 9488. Sample Nos. 9777-F, 9983-F, 19616-F, 19617-F, 20121-F, 31913-F, 32699-F.)

Between January 3 and March 10, 1943, the United States attorneys for the District of Ohio, the District of Massachusetts, and the Northern District of Texas filed libels against 56 gift packages at Cincinnati, Ohio, 18 packages at Springfield, Mass., 15 packages at Boston, Mass., and 51 packages at Dallas, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about October 16 to 30, 1942, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Send-A-Song Gift Package * * * 1 lb. 9 oz.," or "Library of Games * * * Net 2 lb. 4 oz."

The article was alleged to be misbranded in that the statements "1 lb. 9 oz.," or "2 lb. 4 oz." were false and misleading as applied to an article that was short weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between February 10 and April 19, 1943, no claimants having appeared, judgments of condemnation were entered. The lots located at Cincinnati, Ohio, and Dallas, Tex., were ordered distributed to charitable institutions and the remainder was ordered destroyed.

5100. Misbranding of gift packages. U. S. v. 39 Boxes and 8 Boxes of Gift Packages (and 3 additional seizure actions against gift packages). Default decrees of condemnation and destruction. (F. D. C. Nos. 9108 to 9110, incl., 9128. Sample Nos. 8855-F, 8857-F to 8860-F, incl., 9570-F, 9760-F.)

On January 6, 1943, the United States attorney for the Eastern District of Louisiana filed libels against a total of 420 gift packages at New Orleans, La., alleging that the article had been shipped in interstate commerce within the period from on or about November 11 to 20, 1942, by A. Newberg & Co. from Babylon and Lindenhurst, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that its containers were so made, formed, and filled as to be misleading in that the packages contained excessive packing medium.

The various shipments of the article were alleged to be misbranded further in one or more of the following respects: (1) The statements "Net Weight 3½ lbs.," or "3¼ Lbs." in the labeling were false and misleading since the packages contained less than those amounts. (2) The article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (3) The statement of the quantity of the contents and the name and place of business of the manufacturer, packer, or distributor, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase. (4) The article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. (5) It was fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient.

On March 22, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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Cookies. <i>See</i> Cakes and cookies.		Poppy seed	¹ 5004-5006
Coriander seed	5007	Pork sausage	5065
Corn meal	4915-4918	Potato-Pop-Chips	4923
Cottonseed cake or meal.....	4991	Poultry	5066
Crab meat	5002, 5003	Preserves	5023
Crackers	4925	Prune juice	5029
Cream	4977-4979	Rabbits, dressed	5063, 5064
Cumin seed	5007	Raspberries, frozen	5021
Curry powder	5008	Relish, sweet, and pepper.....	5040
Dairy products	4956-4981	Rice	4930
Date paste	5026	Rosefish, frozen	4995
Dietary uses, foods for. <i>See</i> Vitamin		Rye graham flour.....	4910
preparations and foods for special		Sage	5013
dietary uses.		Sardines, canned	5001
Dina-Mite Cereal	5090	Sauerkraut	5037
Do-Nut Flour	4914	Sausage. <i>See</i> Pork sausage.	
Doughnuts	4922	Shellfish. <i>See</i> Fish and shellfish.	
Eggs	4982-4987	Shrimp, frozen	4997-5000
Feed	4988-4992	Spaghetti. <i>See</i> Alimentary pastes.	
Fish and shellfish.....	4993-5003	Spices. <i>See</i> Flavors and spices.	
Flavors and spices.....	¹ 5004-5015	Spinach, canned	5034
Flour	4904-4914	Strawberries, frozen	5019, 5020
Frankfurters	5065	Sugar	4954, 4955
Fruits and vegetables.....	5016-5062	Sunway-Crystals	4901
fruit, canned	5016, 5017	Tomato(es), canned.....	5043-5046
cocktail	5027	catsup	5047, 5048
fresh	5018	juice	5049-5051
frozen	5019-5021	paste	5052-5054
juice	5028, 5029	puree	5055-5060
miscellaneous fruit products.....	5022-5031	sauce	5061, 5062
peels	5024	Turmeric root	5012
tomatoes and tomato products.....	5043-5062	Vi-Chocolin	5093
vegetables, canned	5032-5039	Vinegar	5030
miscellaneous vegetable products	5040-5042	Vitamin preparations and foods for spe-	
Garlic, dehydrated	5042	cial dietary uses.....	5090-5094
Gift packages:		Walnuts	5067, 5068, 5071-5076
assorted foods	5095-5100	Wheat germ	5092
candy	4950, 4951	Wheatnux	5091
Ginger, unbleached	5009	Whiting, frozen	4993, 4994
Griddlecake mix	4932	Whole wheat flour.....	4909

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

Abecassis & Abelson, Inc.:		Albert, R. L., & Son, Inc.:	
poppy seed	5006	gift packages	5096-5099
Acme Sales Co.:		Allen & Smith Co., Inc.:	
candy	4950	candy	4943
Adams, Clyde:		Alpena Canning Co.:	
cream	4977	tomatoes, canned	5046
Akron Candy Co.:		American Cracker Co.:	
candy	4948	bakery products	4925

¹ 5004. Suit for declaratory judgment. Contains opinion of the court.² 5087. Prosecution contested.

	N. J. No.		N. J. No.
Andino Chocolate Co., Inc.:		Cooperative Union Mercantile Co.:	
candy	4945	cream	4977
Arkansas Valley Canning Co.:		Cottage Donuts, Inc.:	
green beans, canned.....	5033	doughnuts	4922
Arminante, Frank:		Countryside Farm Products Co.:	
olive oil, imitation.....	² 5087	butter	4958
Armour Creameries:		Crete Mills	
cheese	4970	corn meal	4917
Associated Pecan Co.:		Cutcher Canning Co.:	
pecan halves	5078	crab meat, canned.....	5002
Bader, I., & Co.:		Davis Cheese Co.:	
jellies, imitation, and Lekvar.....	5022	cheese	4972
Barker, H. L., Inc.:		Davis, Daniel:	
mayonnaise	5089	fruit peels	5024
Baron Coffee Co.:		Delicia Chocolate and Candy Manufac-	
coffee	4902	turing Co., Inc.:	
Baron, David. <i>See</i> Baron Coffee Co.		candy	4947
Bauernfreund, Louis:		De Soto Candy Co.:	
jellies and preserves.....	5023	candy	4942
Bangert, A. L.:		Dillon Candy Co., Inc.:	
cream	4977	peanut butter	5086
Baxter & Kerr, Inc.:		Dina-Mite Food Co.:	
rosefish fillets, frozen.....	4995	Dina-Mite Cereal	5090
Beauty Girl Non-Stock Cooperative:		Dubon Co.:	
cream	4977	peanut butter	5086
Benton Roller Mills:		Durkee Famous Foods:	
flour	4913	nutmeg, whole	5015
Biddle, Francis:		Dwarfies Corp.:	
poppy seed	¹ 5004	Wheatmix	5091
Bitu-Life Co.:		Eagle Roller Mills Co., Inc.:	
wheat germ	5092	corn meal	4915
Bjelland, Lange & Co., Inc.:		Eastern Baking Co.:	
crab meat, canned.....	5003	flour	4912
Blanton Co.:		Emery Food Co.:	
oleomargarine	4981	prune juice	5029
Blue Bar Coconut Co.:		Etra Mills:	
coconut, chipped	5079	flour	4910
Blue Bell Creameries:		Euclid Coffee Co.:	
butter	4957	sage	5013
Blue Valley Creamery:		Evans, David G., Coffee Co.:	
butter	4969	red peppers	5041
Bottone, Antonio and Peter:		turmeric root	5012
oil, edible	5088	Fair View Packing Co., Inc.:	
Braun Importing Co., Inc.:		tomato juice	5050
coconut, shredded	5080	Farmers' Cooperative Creamery Assoc.:	
Brestel, M. J.:		butter	4968
cream	4977	Farmer's Friend Products, Inc.:	
Briggs, C. A., Co.:		jellies and preserves.....	5023
candy	4946	Farmers Union Creamery:	
Bright, P. V., & Co.:		butter	4967
crab meat, canned.....	5003	Fisher, Herman C., Co.:	
Brooklawn Creamery Co.:		walnuts, shelled	5074
butter	4956	Flotill Products, Inc.:	
Burgoon and Yingling:		tomato paste	5054
peas, canned	5039	Food Specialties, Inc.:	
Buring (Nat) Packing Co.:		mustard seed	5011
frankfurters and pork sausage.....	5065	Fort Atkinson Canning Corp.:	
Butterfield Canning Co.:		tomato puree	5058
tomato puree	5057	40-Fathom Fish, Inc.:	
California Packing Corp.:		whiting, frozen	4994
sardines, canned	5001	Franklin Packing Co.:	
Campbell Produce:		peas, canned	5038
cream	4977	Frederick & Nelson Co.:	
Capital Macaroni Mfg. Co.:		walnut meats	5075
alimentary pastes	4933	Freeman, Neal:	
Carnation Co.:		bread, enriched	4927
butter	4966	French-Bauer, Inc.:	
Castleberry, John Porter:		butter	4959
butter	4960	Frigid Food Products, Inc.:	
Cedar Hill Farms:		raspberries, red, frozen.....	5021
butter	4960	Fruit Growers Service Co., Inc.:	
Cella, G., Inc.:		apples	5018
candy	4945	Galst, Samuel:	
Chickasha Cotton Oil Co.:		cheese cake	4919
cottonseed cake or meal.....	4991	Garvey, J. J., Co.:	
Chocolat-Menier:		hot sauce	5061
candy	4940	Gaston Canning Co.:	
Cole, H. C., Milling Co.:		tomatoes, canned	5044
flour	4908	General Mills, Inc.:	
Collins Flour Mills:		flour	4904, 4905
flour	4909	General Seafood Corp.:	
Consolidated Products Co.:		whiting, frozen	4994
feed, animal and poultry.....	4990	Gilt Edge Bakery Products, Inc.:	
		bakery products	4924

¹ Suit for declaratory judgment. Contains opinion of the court.² Prosecution contested.

	N. J. No.		N. J. No.
Gioia Macaroni Co.:		Kroger Grocery & Baking Co.:	
spaghetti and macaroni.....	4938	butter	4961
Globe Sales Co.:		Land O'Lakes Creameries, Inc.:	
tomato catsup	5047	butter	4961
Gloucester Ice and Cold Storage:		Laning, William, & Son Co.:	
rosefish fillets, frozen.....	4995	tomato puree	5055
Golden Brand Nut Products, Inc.:		Leggett, Francis H., & Co.:	
assorted fruits and gift packages.....	5095	tomato puree	5055
Goldsmith Pickle Co.:		Libby, McNeill & Libby:	
sauerkraut	5037	prune juice	5029
Gooch Food Products Co.:		Little Crow Milling Co.:	
macaroni and spaghetti.....	4939	griddlecake mix	4932
Good Eats Bakery:		Littmann, David:	
bread, enriched	4927	jellies, imitation, and Lekvar.....	5022
Graham Seafood Co.:		Loft Candy Corp.:	
shrimp, raw headless.....	5000	candy	4949
Granton & Co.:		Loudon Packing Co.:	
walnut meats	5075	tomato juice	5051
Great Atlantic and Pacific Tea Co., Inc.:		Lowe, Joe, Corp.:	
bakery products	4920	Do-Nut flour	4914
Gunder Cooperative Cheese Factory:		McNutt, Paul V.:	
cheese	4974	poppy seed	¹ 5004
Gwinn Bros. & Co.:		MacVcagh, Franklin, and Co.:	
corn meal	4918	tomatoes, canned	5044
H & M Packing Co., Inc.:		Marigold Grocery Co.:	
peanut butter	5085	jellies and preserves.....	5023
Haas Bros.:		Marvo Products Co.:	
rice	4930	rabbits	5063
Haff, A. W., & Co.:		Mather, John J.:	
shrimp, frozen	4998	flour	4913
Hansen, C. H. & Co.:		Mattlage, C. F., Sales Co.:	
rabbits	5064	garlic, dehydrated, and onion,	
Harcourt Greene Co.:		dehydrated	5042
tomato catsup	5047	Mazo-Lerch Co., Inc.:	
tomato paste	5053	tomato puree	5055
Hatton Cooperative Creamery:		Midwest Cold Storage:	
butter	4965	eggs, shell	4985
Heide, Henry, Inc.:		Milt's Produce:	
candy	4944	cream	4977, 4978
Helco Products Co.:		Miracle Baking Co., Inc.:	
poppy seed	¹ 5004	cookies	4929
Henderson Produce Co.:		Moffett, Samuel Alston:	
poultry, dressed	5066	strawberries, frozen	5019, 5020
Hershel California Fruit Products Co.:		Moffett, S. A., Co. <i>See</i> Moffett, Sam-	
tomato paste	5053	uel Alston.	
Higgins, Wm. A., & Co.:		Monark Food Products Co.:	
Brazil nuts	5070	eggs, dried	4986
Hobart Cotton Oil Co.:		Morgan Bros. & Co.:	
cottonseed cake or meal.....	4991	macaroni	4937
Hood, H. P., & Sons:		Morgan Packing Co.:	
butter, imitation	4980	peas, canned	5038
Horney, Glen L.:		Mullins Produce Co.:	
cream	4977	walnut kernels	5067
Household Products Co.:		Nampa Creamery Co.:	
tomato puree	5057	butter	4964
Hunt Bros. Packing Co.:		Napoleon Creamery Co.:	
fruit cocktail	5027	butter	4958
Impero Fusilli Co.:		National Food Co.:	
macaroni	4934	No Milk Calf Food.....	4992
Independent Grocers Alliance:		New Essential Cheese Cake Co., Inc.:	
tomato puree	5059	cheese cake	4919
International Milling Co.:		New Orleans Import Co., Ltd.:	
flour	4911	mace	5010
Ives, F. B., Co.:		Newberg, A., & Co.:	
tomatoes, canned	5044	candy	4951
Jacobs, Max:		gift packages	5100
cheese cake	4919	Old Plantation Baking Co.:	
Jaxon Foods, Inc.:		cake	4921
peanut butter	5083	Old Virginia Packing Co., Inc.:	
Johnsrud, Stuart C.:		mince meat	5031
cheese	4975	Olson, Joe, Inc.:	
Jones Cold Storage Corp.:		eggs, shell	4985
flour	4911	Orange Products Co.:	
Katz, A.:		fruit peels	5024
flour	4910	Oxford Products Co.:	
Kenny, C. D., Co.:		vitamin preparation	5094
sugar	4955	Ozark Canning Co.:	
Kirby, Marshall, & Co.:		spinach, canned	5035
eggs, frozen, whole.....	4982, 4983	Ozark Packing Co., Inc.:	
egg yolks, frozen, with sugar added...	4987	green beans, mustard greens, and	
Kitchen Products, Inc.:		spinach, canned	5034
spaghetti and macaroni.....	4938	Pappas, Clement, & Co.:	
Klein Produce:		pears, canned	5017
cream	4977	Pauli, R. C., and Sons:	
		curry powder, paprika.....	5008

¹ Suit for declaratory judgment. Contains opinion of the court.

	N. J. No.		N. J. No.
Pellens, Geo. E., Co.:		Silverton Canning Co.:	
peanut butter	5084	apple spread	5025
Penn Ice Mfg. & Coal Co.:		Simpson, W. C.:	
shrimp, frozen	4999	green beans, canned.....	5032
Perry Canning Co.:		Sisk, Albert W., & Son:	
tomato catsup	5048	tomatoes, canned	5045
Petry, P. H., Co.:		Smith, Bert E.:	
coriander seed, cumin seed.....	5007	cream	4977, 4979
ginger, unbleached	5009	Smith Rice Mill Co.:	
Pine Grove Canning Co.:		rice	4930
hot sauce	5062	Snow, Louis T., & Co.:	
okra, canned	5036	tomato purce	5059
Plattner Bros.:		South Georgia Pecan Co.:	
cream	4979	pecan halves	5078
Ponca City Milling Co., Inc.:		Southland Pecan Co., Inc.:	
flour	4906, 4907	pecan meats	5069
Prina, Frank R., Corp.:		Southland Products Co.:	
coffee substitute	4903	peanut butter	5082
Progressive Fillet Co. See Progressive		Speas Co.:	
Fish Wharf, Inc.		vinegar	5030
Progressive Fish Co. See Progressive		Spooner Cooperative Creamery Co.:	
Fish Wharf, Inc.		butter	4962
Progressive Fish Wharf, Inc.:		Stein Hall Manufacturing Co.:	
whiting, frozen	4993	coconut, chipped	5079
Pure Foods Corp.:		Stensvad Poultry Co.:	
pears, canned	5016	cream	4977
Quartermaster Supply Office, Army		Sterling Tobacco Co.:	
Depot:		candy	4950
mace	5010	Stettler, John, Estate:	
Raiter, Frank, Canning Co.:		cheese	4973
tomato puree	5060	Stockton Food Products, Inc.:	
Red River Valley Cooperative Marketing		tomato catsup	5047
Assn.:		Stokes, Francis C., Co.:	
butter	4965	tomato juice	5049
Refined Macaroni Co.:		Stone, Lewis R.:	
macaroni	4935	walnut meats	5071-5073
Regal Stores:		pecan meats	5077
butter	4960	Stone, L. R., Co. See Stone, Lewis, R.	
Reich, Andrew & Co.:		Strickler, L. M.:	
date paste	5026	cream	4977
Reliable Nut Co.:		Sun Bird Packing Co., Ltd.:	
peanuts	5081	orange juice	5028
Rinascente Oil Co.:		Sunway Fruit Products, Inc.:	
olive oil, imitation.....	² 5087	Sunway-Crystals	4901
Riverbank Canning Co.:		Sure Rise Baking Powder Co.:	
tomato paste	5052	cinnamon, nutmeg, paprika, white	
Riverview Damascus Milk Co.:		pepper	5014
butter	4964	Swayzee Canning Co.:	
Roanoke Public Warehouse:		tomato puree	5056
popcorn	4931	Swift and Co.:	
Robinson, J. B.:		cheese	4976
chocolate sirup and cocoa substitutes....	4952	Thomas & Clarke, Inc.:	
Roloff, Ernest:		cookies	4926
cream	4977	Tiedeman-McMoran:	
Rosenberg, Morris:		curry powder, paprika.....	5008
walnut meats	5076	Toll, Fred J.:	
Royale Popcorn Co.:		cream	4977
poppy seed	5005	Trappey's, B. F., Sons, Inc.:	
Royale Popcorn Sales Co.:		sweet relish and pepper reslish.....	5040
Potato-Pop-Chips	4923	Traubarger, J. R., Produce & Feed Co.:	
Rubin, Sherman:		walnut kernels	5068
cookies	4928	Tremaine Alfalfa Milling Co.:	
San Juan Fishing & Packing Co.:		alfalfa meal	4988
cod fillets, frozen.....	4996	Tri-City Grocery Co.:	
Santoro, G., & Sons, Inc.:		oleomargarine	4981
macaroni	4936	Twin City Grocery Co.:	
Sauer, N., Milling Co.:		corn meal	4916
flour	4907	U. S. Cookies, Inc.:	
Saunders Mills, Inc.:		cookies	4928
alfalfa meal	4989	Vauzanges, Jacques:	
Schmidt Bros.:		candy	4940
cheese	4971	Vicna Extract Co., Inc.:	
Schreiber, L. D. & Co., Inc.:		jellies, imitation, and Lekvar.....	5022
eggs, frozen, whole.....	4984	Vitamin-Erg Co., Inc.:	
Schultz, Enoch, Creamery:		vitamin preparation	5093
butter	4967	Wells River Creamery:	
Schultz, Walter, Co.:		butter	4963
vinegar	5030	Wells, W. M., and Son:	
Sceman Bros., Inc.:		shrimp, frozen	4997
tomato juice	5049	Western Pickle Co.:	
Shelby Packing Co.:		sauerkraut	5037
tomatoes, canned	5043	Wilson & Co.:	
Siegal, Moses:		butter	4957
jellies, imitation, and Lekvar.....	5022	Winters Canning Co.:	
Silverschein, Phil, Corp.:		fruit cocktail	5027
candy	4941	Wooten Grocery Co.:	
		sugar	4954

² Prosecution contested.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 703 of the Food, Drug, and Cosmetic Act]
5101-5250

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency*
WASHINGTON, D. C., June 2, 1944.

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BEVERAGES AND BEVERAGE MATERIALS

5101. Adulteration and misbranding of coffee. U. S. v. Universal Coffee Co., Inc.
Plea of guilty. Fine, \$200. (F. D. C. No. 9623. Sample Nos. 18856-F, 19102-F.)

On June 5, 1943, the United States attorney for the Eastern District of New York filed an information against the Universal Coffee Co., Inc., at Long Island City, N. Y., alleging shipment on or about November 11, 1942, from the State of New York into the State of New Jersey of a quantity of coffee that was adulterated and misbranded. The article was labeled in part: "Minerva Brand Coffee Absolutely Cup Quality Minerva Superior Coffee." Inconspicuously stamped at the bottom of the bags was the following: "Coffee with filler."

The article was alleged to be adulterated in that ground roasted chick-peas, or other substance which was not coffee, had been substituted in whole or in part for coffee, which the article purported to be.

It was alleged to be misbranded in that the prominent statement "Coffee," borne on the bags, was false and misleading when applied to an article consisting of a mixture of coffee and other substance, and the false and misleading impression was not corrected by the words "Coffee with filler" inconspicuously rubber-stamped at the bottom of the bag.

It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.

On August 24, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

5102. Adulteration and misbranding of coffee. U. S. v. Douglas Coffee Co., Inc. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 9635. Sample No. 3142-F.)

On May 18, 1943, the United States attorney for the District of Nebraska filed an information against the Douglas Coffee Co., Inc., at Omaha, Nebr., alleging shipment on or about November 30, 1942, from the State of Nebraska into the State of Iowa of a quantity of coffee that was adulterated and misbranded. The article was labeled in part: "Douglas Special Urn Blend Fresh Roasted Coffee."

The article was alleged to be adulterated in that a mixture of coffee, chick-peas, wheat, and chicory had been substituted in whole or in part for coffee, and in that chick-peas, wheat, and chicory had been mixed with the article so as to reduce its quality.

It was alleged to be misbranded in that the statement "Coffee," borne on the bags, was false and misleading, and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On June 11, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

5103. Adulteration and misbranding of coffee substitute. U. S. v. 94 Bags of Coffee Substitute. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9911. Sample No. 41378-F.)

On May 8, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 94 bags of coffee substitute at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 26, 1943, by E. B. Muller & Co. from Port Huron, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Muller's Cereal Coffee Substitute Rye-Wheat Midds and Chicory Cereal."

It was alleged to be adulterated in that roasted, ground cereal by-products, probably wheat or rye, had been substituted for rye, wheat middlings and chicory, which the article purported and was represented to be. It was alleged to be misbranded in that the statement, "Coffee Substitute Rye-Wheat Midds and Chicory," was false and misleading as applied to an article containing no chicory and having none of the characteristic flavor of coffee.

On July 13, 1943, E. B. Muller & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5104. Misbranding of coffee substitute. U. S. v. 25 Cases of an article labeled in part "Kofa Brand Coffee Substitute." Default decree of condemnation and destruction. (F. D. C. No. 9771. Sample No. 31941-F.)

Examination showed the product consisted of ground, roasted chick-peas.

On April 10, 1943, the United States attorney for the Southern District of Indiana filed a libel against 25 cases, each containing 32 bags, of an article labeled in part, "Kofa Brand Coffee Substitute, or Blend to Taste Pure Mexican Garbanzos," at Indianapolis, Ind., alleging that the article has been shipped in interstate commerce on or about February 20, 1943, by the New Iberia Cereal Co. from New Iberia, La.; and charging that it was misbranded in that its label failed to bear the common or usual name of the ingredients, and in that the designation "Coffee Substitute" was false and misleading since the article, when prepared as a beverage, would have none of the characteristics of coffee.

On May 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5105. Misbranding of coffee filler. U. S. v. 264 Cases of Coffee Filler. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9928. Sample No. 8965-F.)

Examination showed the product to consist entirely of ground, roasted rye.

On May 13, 1943, the United States attorney for the Southern District of Texas filed a libel against 264 cases of coffee filler at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 8, 1943, by the B & B Packing Co., from New Iberia, La.; and charging that it was misbranded. The article was labeled in part: "LuZanna Mammy Brand Coffee Filler. A Rye Cereal Deliciously Roasted Mix = 50-50 with Pure Coffee."

The article was alleged to be misbranded in that the statement: "Mix=50-50 with Pure Coffee," appearing on the label, was misleading since such statement suggested that the article was a mixture of rye and coffee,

On July 17, 1943, Jules Barre, sole owner of the B & B Packing Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5106. Misbranding of coffee filler. U. S. v. 160 Cases of Coffee Filler. Default decree of condemnation and destruction. (F. D. C. No. 10008. Sample No. 3280-F.)

This product consisted of roasted rye with small amounts of barley and wheat, and was labeled to indicate that by mixing it with equal parts of coffee it would double the coffee ration. The statement of ingredients was inconspicuously placed on the label.

On or about May 28, 1943, the United States attorney for the Western District of Missouri filed a libel against 160 cases of an article labeled in part "Coffee Filler" at St. Joseph, Mo., which had been consigned on or about March 12, 1943, alleging that the article had been shipped in interstate commerce by the Mixit Cereal Coffee Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Mixit Coffee Filler (design) Doubles Coffee Ration!

* * * Contains Specially Processed, Carefully Roasted Rye, Barley and Wheat."

The article was alleged to be misbranded (1) in that the statement "Doubles Coffee Ration" was false and misleading since it was untrue; (2) in that the name "Coffee Filler" was false and misleading as applied to an article containing no coffee; (3) in that the design bearing the word "Equals" in the center, with one cup of steaming liquid to the left and two cups of steaming liquid to the right, was false and misleading since one cup of coffee does not equal two cups of a mixture of coffee and the article; and (4) in that the statement of ingredients was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5107. Misbranding of Coffee-Aid. U. S. v. 525 Bags of Coffee-Aid. Default decree of condemnation and destruction. (F. D. C. No. 9930. Sample No. 8749-F.)

On May 13, 1943, the United States attorney for the District of Minnesota filed a libel against 525 bags of Coffee-Aid at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about April 9, 1943, by M. H. Jacobs from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Coffee-Aid * * * Packed by Century Products Chicago, Ill."

The article was alleged to be misbranded in that the statement "Coffee-Aid Makes Coffee Go Twice as Far," borne on the label was false and misleading as applied to an article containing no coffee, and in that its label failed to bear the common or usual name of the food, ground, roasted barley.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5108. Misbranding of Post's Cera-Co. U. S. v. 1,100 Cases of Post's Cera-Co. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9946. Sample No. 30991-F.)

On May 24, 1943, the United States attorney for the Western District of Washington filed a libel against 1,100 cases, each containing 36 bags, of Post's Cera-Co at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about March 8 to May 11, 1943, by the Post Quality Foods Co. from San Francisco and Los Angeles, Calif.; and charging that it was misbranded.

It was alleged to be misbranded (1) in that the statement on the bag, "A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory," was misleading as applied to a mixture containing little of no coffee extract; (2) in that the statement in the circular "To make Coffee go farther" was misleading as applied to a product having none of the characteristic properties of coffee; (3) in that the statements in the circular, "The combined use of Vitamins B-1 and Niacin is extremely beneficial to persons troubled with pellagra, allergies, nervousness, nutritional deficiency, sclerosis, diabetes, general weakness, poor appetite, gastric and intestinal disturbances, decreased peristalsis (peristalsis), and poor lactation * * * thus greatly benefits your health and vitality," were false and mis-

leading since they represented, suggested, and created in the mind of the reader the impression that the article was effective in the treatment of the conditions mentioned, whereas it was not so effective; and (4) in that it purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear such information concerning its vitamin properties as has been determined to be, and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since the label failed to bear a statement of the proportion of the minimum daily requirement for such vitamins supplied by the food when consumed in a specified quantity during a period of 1 day, as required by the regulations.

On June 8, 1943, the Post Quality Foods Co. having appeared as claimant and having admitted the allegations and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5109. Adulteration of tea. U. S. v. 97 Cases of East India Types of Black Tea. Default decree of condemnation and destruction. (F. D. C. No. 9788. Sample No. 17590-F.)

The cases containing this product showed signs of having been water-damaged. The time at which such damage occurred was not determined. Examination showed the product to be moldy.

On or about April 16, 1943, the United States attorney for the District of New Jersey filed a libel against 97 cases, containing a total of 11,557 pounds, of East India types of black tea at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about January 23, 1943, by the Standard Brands, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5110. Adulteration and misbranding of bar-lemon. U. S. v. 9½ Cases of Bar-Lemon. Default decree of condemnation and destruction. (F. D. C. No. 10018. Sample No. 39304-F.)

On May 28, 1943, the United States attorney for the District of Arizona filed a libel against 9½ cases, each containing 12 bottles, of bar-lemon, at Globe, Ariz., alleging that the article had been shipped in interstate commerce on or about April 24, 1943, by C. E. Strattman from San Diego, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Carl's Bar-Lemon Concentrated Lemon Juice Made From California Lemons (design of a lemon)."

The article was alleged to be adulterated (1) in that a valuable constituent, lemon juice, had been in whole or in part omitted therefrom; (2) in that an artificially colored phosphoric acid solution with added dextrose had been substituted wholly or in part for concentrated lemon juice; (3) in that inferiority had been concealed by the addition of artificial color; and (4) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded (1) in that the statements, "Bar-Lemon Concentrated Lemon Juice Made From California Lemons * * * Use same as lemon juice," and the design of a lemon, were false and misleading as applied to an artificially colored phosphoric acid solution with added dextrose; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food, concentrated lemon juice, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and failed to bear labeling stating that fact.

On July 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5111. Misbranding and alleged adulteration of fruit flavored beverages. U. S. v. 132 Cases of Good-Rich Orange, 33 Cases of Good-Rich Pineapple-Orange, and 3 Cases of Good-Rich Grape Fruit. Consent decree ordering product released under bond for relabeling. (F. D. C. No. 9862. Sample Nos. 7138-F to 7140-F, incl.)

On April 29, 1943, the United States attorney for the Eastern District of Arkansas filed a libel against the above-named products at Blytheville, Ark., which had been shipped on or about August 10, 1942, and January 15, 1943, by

the Good-Rich Juice Co. from Poplar Bluff, Mo.; and charging that they were adulterated and misbranded.

They were alleged to be adulterated in that mixtures of water, sugar, citric acid, fruit pulp, a small amount of sodium benzoate, and artificial color (in the orange and orange-pineapple), had been substituted wholly or in part for "Orange [or "Pineapple-Orange" or "Grape Fruit"] * * * Fresh Fruit Food Product Drink," which the articles purported and were represented to be. The orange and pineapple-orange were alleged to be adulterated further in that inferiority had been concealed by the use of citric acid and artificial color, and in that citric acid and artificial color had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were.

All articles were alleged to be misbranded (1) in that the statement "Good-Rich" was false and misleading as applied to a fruit-type beverage containing (orange) 10.7 percent, (pineapple-orange) 14.8 percent, and (grape fruit) 14.6 percent, respectively, of fruit juices; (2) in that the statement on the labels, "This is a Fresh Fruit Food Product Drink," was false and misleading since it created the impression that the articles consisted essentially of fruit juices, (3) in that they were imitations of other foods, orange juice, pineapple and orange juice, and grapefruit juice, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; and (4) in that they purported to be and were represented as foods for special dietary uses by reason of their vitamin B₁ content, and their labels failed to bear such information concerning their vitamin properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to their value for such uses, since their labels failed to state the proportion of the minimum daily requirement for vitamin B₁ contained in a specified quantity of the articles, as required by the regulations.

The "Orange" and "Pineapple-Orange" were alleged to be misbranded further in that the designs of a cut orange or grapefruit and drops of orange or grapefruit juice were false and misleading since they created the impression that the articles consisted essentially of fruit juices; and in that the statements, "To the Pure Orange Juice is added Orange Oil from the peel containing Vitamin C," and "To the Pure Grape Fruit Juice from luscious California and Texas tree-ripened Grape Fruit is added the Vitamins contained in the oil from the peel," were false and misleading since the vitamin C content was inconsequential.

The "Orange" and "Pineapple-Orange" were alleged to be misbranded also in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since "lemon acid," which is listed on the labels, is not the common or usual name for citric acid. The "Orange Fruit" was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since citric acid was not listed on the label.

On July 29, 1943, the Good-Rich Juice Co. having admitted the allegations of the libel and having consented to the entry of a decree, the court made a finding that the product was misbranded and ordered it released under bond for relabeling, under the supervision of the Food and Drug Administration.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES

5112. Adulteration of spaghetti. U. S. v. 74 Boxes and 99 Boxes of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 9860. Sample Nos. 21672-F, 21683-F.)

This product contained insects and insect fragments, rodent hair fragments, and fragments resembling rodent hair.

On April 28, 1943, the United States attorney for the Northern District of Ohio filed a libel against 174 boxes, each containing 20 pounds, of spaghetti at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about March 1 and 25, 1943, by the Niagara Macaroni Manufacturing Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Romano Spaghetti."

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5113. Adulteration of macaroni products. U. S. v. 327 Packages of Macaroni Products (and 5 additional seizure actions against macaroni products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9951 to 9955, incl., 10012. Sample Nos. 23288-F, 23291-F to 23294-F, incl., 28958-F.)

These products contained rodent hair fragments, and insect fragments, and one lot contained human hair fragments.

On May 15 and 26, 1943, the United States attorneys for the Eastern District of Pennsylvania and the Eastern District of South Carolina filed libels against 959 packages and 12 cases of macaroni products at Philadelphia, Pa., and 120 boxes of macaroni products at Columbia, S. C., alleging that the articles had been shipped in interstate commerce within the period from on or about April 19 to 28, 1943, by the Cardinale Macaroni Mfg. Co., Inc., from Brooklyn, N. Y.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Cardinale Grade A Macaroni".

On June 12 and July 12, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5114. Adulteration of egg noodles, spaghetti, and macaroni, and misbranding of spaghetti. U. S. v. 70 Cartons of Egg Noodles and 86 Cartons of Spaghetti (and 2 additional seizure actions against alimentary paste products). Default decrees of condemnation and destruction. (F. D. C. Nos. 9756, 9855, 10110. Sample Nos. 6701-F, 6707-F, 6740-F, 43307-F, 43308-F, 43310-F.)

This product contained rodent hairs, hairs resembling rodent hairs, and insect fragments.

Between April 8 and June 19, 1943, the United States attorneys for the Western District of Tennessee and the Western District of Oklahoma filed libels against 70 cartons of egg noodles and 769 cartons of spaghetti at Memphis, Tenn., and 91 cartons of macaroni and 114 cartons of spaghetti at Prague, Okla., alleging shipment within the period from on or about December 29, 1942, and April 27, 1943, by the Domino Macaroni Co. from Springfield, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Domino Durum Wheat * * * Long Spaghetti," or "Blue Jay Spaghetti" [on portions, "Our product is manufactured in a modern plant under the most sanitary conditions,"] or "Western Delight Brand Macaroni [or "Spaghetti"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Portions of the article were alleged to be misbranded in that the statement, "Our product is manufactured in a modern plant under the most sanitary conditions," borne on some of the labels, was false and misleading as applied to a food manufactured under insanitary conditions.

On May 24 and July 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5115. Adulteration and misbranding of macaroni. U. S. v. 15 Cases of Macaroni (and 8 additional seizure actions against alimentary paste products). Default decrees of condemnation. One lot ordered delivered to a charitable institution. The remaining lots ordered destroyed. (F. D. C. Nos. 9723, 9831, 9996, 9997, 10009, 10021, 10085, 10086, 10101. Sample Nos. 19634-F, 19636-F, 22046-F, 23234-F, 23260-F, 23295-F to 23298-F, incl., 23705-F, 23706-F.)

Portions of the product contained insect fragments and rodent or cat hair fragments. The remainder was artificially colored to simulate alimentary pastes containing a higher proportion of egg than was present.

Between March 29 and June 16, 1943, the United States attorneys for the Eastern and Western Districts of Pennsylvania and the District of Massachusetts filed libels against 620 cases, each containing 20 packages, of various alimentary paste products at Philadelphia, Pa., 78 cartons, each containing 20 packages, of various alimentary paste products at Boston, Mass., and 150 cartons, each containing 20 packages, of various alimentary paste products at Indiana, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about February 1 to May 20, 1943, by the Vittoria Macaroni Co. from Maspeth, N. Y.; and charging that it was adulterated and misbranded. Portions of the article were labeled in part: "Vittoria Fusilli Col-Buco," "Indiana Brand," "Lion Brand," or "Vittoria Specialties." One lot was labeled in part: "Indiana Brand Fusilli Made from No. 1 Semolina Guaranteed to comply with State and Federal Pure Food Laws * * * Manufactured by Indiana Macaroni Co., Inc., Indiana, Pa."

The lots located at Boston, Mass., Indiana, Pa., and all but two of the lots located at Philadelphia, Pa., were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. Two of the lots located at Philadelphia, Pa., were alleged to be adulterated (1) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (2) in that artificially colored alimentary paste deficient in egg solids had been substituted wholly or in part for egg alimentary paste, which the article purported to be; (3) in that inferiority had been concealed by the addition of artificial color; (4) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (5) in that it contained coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law. The lots located at Philadelphia were also alleged to be misbranded in that the name "Egg Fusilli," appearing on the label, was false and misleading as applied to an alimentary paste deficient in egg solids and artificially colored.

The lot located at Indiana, Pa., was alleged to be misbranded in that the statement "Guaranteed to comply with State and Federal Pure Food Laws" was false and misleading as applied to a filthy product prepared under insanitary conditions. It was alleged to be misbranded further in that the statement "Manufactured by Indiana Macaroni Co., Inc., Indiana, Pa.," was false and misleading since the article was manufactured by the Vittoria Macaroni Co., Maspeth, N. Y.

Between April 20, 1943, and August 2, 1943, no claimant having appeared, judgments of condemnation were entered. One of the lots located at Philadelphia, Pa., was ordered distributed to a charitable institution. The remaining lots were ordered destroyed.

5116. Misbranding of spaghetti and macaroni dinners. U. S. v. 84 Cases of Spaghetti Dinner and 24 Cases of Macaroni Dinner. Default decree of condemnation and destruction. (F. D. C. No. 9870. Sample Nos. 23266-F to 23268-F, incl.)

The packages labeled "Spaghetti Dinner" contained ingredients that were short of the declared weight, and both ingredients in the package labeled "Macaroni Dinner" were short-weight and deceptively packaged.

On April 28, 1943, the United States attorney for the District of New Jersey filed a libel against 84 cases of Spaghetti Dinner and 24 cases of Macaroni Dinner at Trenton, N. J., alleging that the articles had been shipped in interstate commerce on or about March 25, 1943, by the Kurtz Brothers Corporation from Bridgeport, Pa.; and charging that they were misbranded. The articles were labeled in part "Kurtz King Brand Complete Spaghetti Dinner," or "Magic Chef Spaghetti [or "Macaroni"] Dinner."

The articles were alleged to be misbranded in that the statements (outer package of Kurtz King Brand Spaghetti Dinner), "Grated Cheese * * * Net Weight ½ Ounce Spaghetti * * * Net Weight 8 Ozs.," (inner spaghetti cartons) "Net Weight 8 Ounces," (outer packages of Magic Chef Spaghetti dinner) "Spaghetti * * * Net Weight 8 Ozs. * * * Cheese * * * Net Weight ½ Oz.," (outer packages of Magic Chef Macaroni Dinner) "6 Ozs. Semolina Macaroni * * * 1¼ Oz. Grated Cheese," (envelopes containing macaroni) "Net Weight 6 Ounces," and (envelopes containing cheese) "Net Weight 1¼ Oz.," were false and misleading as applied to articles that were short weight. They were alleged to be misbranded further in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents. The Magic Chef Macaroni Dinner was alleged to be misbranded further in that its container was so filled as to be misleading, since the envelopes of macaroni and cheese occupied only 62 percent of the volume of the carton.

On June 4, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

BAKERY PRODUCTS

5117. Adulteration of bread. U. S. v. Edward W. Mootz (E. W. Mootz Bakery). Plea of nolo contendere. Defendant placed on probation for 1 year. No fine imposed. (F. D. C. No. 9621. Sample Nos. 24292-F, 24365-F, 24397-F, 24399-F.)

This product contained rodent hair fragments and insect fragments.

On May 15, 1943, the United States attorney for the Southern District of West Virginia filed an information against Edward W. Mootz, trading as E. W. Mootz Bakery at Huntington, W. Va., alleging shipment within the period from on or

about November 10, 1942, to January 8, 1943, from the State of West Virginia into the States of Kentucky and Ohio of a quantity of bread that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Mootz's Butereg Bread," or "Honey Crushed * * * Wheat Bread."

On May 24, 1943, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for 1 year and imposed no fine.

5118. Adulteration and misbranding of ice box cookies. U. S. v. 46 Cases, 24 Cases and 1 Case of Ice Box Cookies (and 2 other seizures of ice box cookies). Default decrees of condemnation and destruction. (F. D. C. Nos. 9240, 10446, 10757. Sample Nos. 12070-F, 12071-F, 43337-F, 43432-F, 56423-F.)

Two lots of this product were adulterated by reason of insect infestation, one of them was misbranded because of an inconspicuous declaration of weight and ingredients. The third lot was short weight. In two of the lots the product was labeled to indicate that it was a dietary food, but its label failed to bear the information regarding its vitamin and mineral properties required by the regulations.

On or about January 29, August 20, and September 18, 1943, the United States attorneys for the Western District of Washington, the District of New Jersey, and the District of Kansas filed libels against 71 cases of ice box cookies at Seattle, Wash., 55 cartons of the product at Newark, N. J., and 371 cartons at Kansas City, Kans., alleging that the article had been shipped in interstate commerce within the period from on or about August 6, 1942, to May 12, 1943, by the Kungsholm Baking Co., from Chicago, Ill.; and charging that it was adulterated and/or misbranded. The product in 2 of the lots was labeled in part: (Carton) "Kungsholm Ice Box Cookies," (package) "Vitamin B₁ and Important Minerals have been added." The remaining shipment was labeled in part: "Delicious Ice Box Cookies."

The lots located at Kansas City, Kans., and Newark, N. J., were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of insect contamination.

The lots located at Kansas City, Kans., and Seattle, Wash., were alleged to be misbranded (1) in that the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ and mineral content, and its label failed to bear such information concerning its vitamin and mineral properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label did not state the proportion of the minimum daily requirements of vitamin B₁ contained in a specified quantity of the food which is customarily or usually consumed during a period of 1 day; and (2) since its label did not bear a statement of the minerals contained in the article, as required by the regulations, or the proportions of the minimum daily requirements for each mineral supplied by such food. The lot located at Seattle, Wash., was alleged to be misbranded further in that the following statements "Net Wt. 8 Oz.," or "Net Wt. 3½ Oz.," or "Net Wt. 12 Oz.," borne on the various sized packages, were false and misleading as applied to the article, since it was short of the declared weight, and (3) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. The lot located at Kansas City, Kans., was alleged to be misbranded further in that the statements of the quantity of the contents and the ingredient list, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On July 13, September 18, and November 29, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5119. Misbranding of cookies. U. S. v. 22 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10030. Samples Nos. 33452-F, 45208-F.)

On June 1, 1943, the United States attorney for the District of New Jersey filed a libel against 22 cartons of cookies at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 11, 1943, by the Loose-Wiles Biscuit Co. from Long Island City, N. Y.; and charging that it was misbranded. The article was labeled in part: (Tag on tins) "Sunshine Fancy Assortment A delicious assortment of tempting cookies * * * Net Weight 2½ Lbs.," (bottom of tin) "Assorted Biscuits Net Weight 2 Lbs. 8 Ozs."

The article was alleged to be misbranded in that the statements "Net Weight 2½ Lbs.," and "Net Weight 2 Lbs. 8 Ozs.," were false and misleading since the packages contained less than the declared weight. It was alleged to be misbranded further in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL AND FLOUR

5120. Adulteration of corn meal. U. S. v. 142 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 9859. Sample Nos. 41368-F, 41369-F.)

This product was stored under insanitary conditions after shipment in interstate commerce and when examined rodent pellets were found on the bags, many of the bags had been chewed by rodents, and live weevils were observed on the outside of the bags. Examination of the meal showed that it contained beetles, larvae, and insect fragments, and that one lot contained rodent hair fragments.

On April 23, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 142 96-pound bags of corn meal at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 5, 1942, and January 16, 1943, from St. Joseph, Mo., and that it was in possession of Witherspoon Bros.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Sea Breeze Cream Corn Meal."

On June 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5121. Adulteration of flour. U. S. v. 45 Bags of Flour and 15 Bags of Flour. Consolidated decree of condemnation. (F. D. C. Nos. 9821, 9822. Sample Nos. 20081-F, 20082-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Rodent pellets and what appeared to be urine stains were found on the bags. Examination of the samples confirmed the presence of urine on the bags and the flour directly beneath the stained portion.

On April 19, 1943, the United States attorney for the District of Massachusetts filed libels against a total of 60 bags of flour at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about October 30, 1942, to February 15, 1943, from Island City, Oreg., and Mt. Vernon and Loudonville, Ohio, and that it was in possession of Betty Alden Products, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, flour contaminated with rodent urine, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "B. W. Pie All Purpose Pastry Flour," "Blue Ribbon," "White Spear Pastry," "Silver Spike," or "State House Brand Fancy Pastry Flour."

On May 6, 1943, the Betty Alden Products, Inc., claimant, having admitted the allegations of the libel, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for segregating and destroying the bad portion under the supervision of the Food and Drug Administration.

5122. Adulteration of flour. U. S. v. 112 Bags of Wheat Flour. Consent decree of condemnation. Product ordered released under bond for denaturing. (F. D. C. No. 9751. Sample No. 23255-F.)

This product was stored under insanitary conditions. Mouse pellets were found on all the bags. Some bags had been gnawed by mice and contained urine stains, and flour removed from a gnawed bag was found to contain a large number of rodent pellets.

On or about April 7, 1943, the United States attorney for the District of New Jersey filed a libel against 112 bags of wheat flour at Trenton, N. J., in the possession of the Original Trenton Cracker Co., alleging that the article had been shipped in interstate commerce on or about October 22, 1942, from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, mouse pellets and urine-stained flour, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 23, 1943, Christopher Cartlidge, trading as the Original Trenton Cracker Co., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing under the supervision of the Food & Drug Administration, so that it could not be used for human consumption.

5123. Adulteration of flour. U. S. v. 160 Bags of Flour. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9730. Sample No. 20079-F.)

The room where this flour was stored was infested with mice and numerous excreta pellets and urine stains were found on the bags.

On March 31, 1943, the United States attorney for the District of Massachusetts filed a libel against 160 98-pound bags of flour at Milton, Mass., in the possession of G. H. Bent Co., alleging that the article had been shipped in interstate commerce on or about November 25, 1942, from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, urine-stained flour, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Kismet Patent Flour * * * Cracker."

On April 15, 1943, the G. H. Bent Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released upon deposit of cash collateral, conditioned that the good portions be segregated from the bad portions and the latter destroyed, under the supervision of the Food and Drug Administration.

5124. Adulteration of graham flour. U. S. v. 115 Bags of Graham Flour. Default decree of condemnation and destruction. (F. D. C. No. 9728. Sample No. 37302-F.)

On March 29, 1943, the United States attorney for the District of Maryland filed a libel against 115 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 18 and March 10, 1943, by G. D. Chinault from Seven Valleys, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, larvae, insect fragments, rodent excreta fragments, rodent hair fragments, and fragments resembling rodent hair, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On May 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS CEREAL PRODUCTS

5125. Adulteration of popcorn. U. S. v. 6 Bags of Popcorn. Default decree of condemnation and destruction. (F. D. C. No. 9871. Sample No. 23038-F.)

On April 29, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 6 100-pound bags of popcorn at Kingston, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1943, by the E. D. Hostetter Co. from Richwood, Ohio; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent pellets and rodent-damaged corn. The article was labeled in part: (Tag) "Nunso Evaporated Sweet Corn Popping Corn."

On June 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5126. Adulteration of rice and yellow split peas. U. S. v. 109 Bags of Rice, 100 Bags of Yellow Split Peas, and 42 Bags of Rice. Consolidated decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. Nos. 9836, 9868. Sample Nos. 20087-F, 20089-F, 20090-F, 20097-F.)

These products had been stored under insanitary conditions after shipment in interstate commerce and when examined rodent excreta was found on the bags and many of the bags had been gnawed by rodents and contained rodent urine stains.

On April 21 and 26, 1943, the United States attorney for the District of Massachusetts filed libels against 151 100-pound bags of rice and 100 100-pound bags of yellow split peas at Boston, Mass., alleging that the articles were in possession of the Bowker Storage & Distributing Co., Inc., and that they had been shipped in interstate commerce within the period from on or about November 17, 1942,

to January 23, 1943, from Blue Island, and Chicago, Ill., and Crowley, La.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been held under insanitary conditions whereby they may have become contaminated with filth.

On May 28, 1943, Morris Alper & Sons, Inc., of Boston, Mass., having appeared as claimant and having admitted the allegations of the libels, a consolidated decree of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portions of the products under the supervision of the Food and Drug Administration.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

CANDY

Nos. 5127 to 5132 report actions involving candy that was contaminated with one or more types of filth, such as rodent excreta, rodent hairs, hair fragments resembling rodent or cat hairs, insects and insect fragments, splinters, fibres, and nondescript dirt. No. 5132 was also misbranded.

5127. Adulteration of candy. U. S. v. C. A. Briggs Co. Plea of guilty. Fine, \$150. (F. D. C. No. 9664. Sample Nos. 17060-F, 19395-F, 44588-F.)

This product contained rodent hair fragments, hair fragments resembling rodent or cat hairs, and insect fragments.

On June 28, 1943, the United States attorney for the District of Massachusetts filed an information against the C. A. Briggs Co., a corporation, at Cambridge, Mass., alleging shipment within the period from on or about January 14 to March 2, 1943, from the State of Massachusetts into the States of New York, Maine, and Connecticut of a quantity of candy that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Old Cabin Sweets," "Aristo Chocolates," or "Rum and Butter Crunch."

On August 3, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each of the 3 counts contained in the information, or a total fine of \$150.

5128. Adulteration of candy. U. S. v. 21 Boxes and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9731. Sample Nos. 33902-F, 33903-F.)

This product contained rodent hairs, rodent hair fragments and hair fragments resembling rodent hair.

On April 2, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against a total of 31 boxes of candy at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by Mary Lincoln Candies, Inc., from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Mary Lincoln Old Fashioned Candies."

On April 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5129. Adulteration of candy. U. S. v. 1 Carton and 25 Pounds of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9809, 9840, 9841, 9856. Sample Nos. 10384-F, 23619-F to 23621-F, incl., 37176-F, 37248-F to 37251-F, incl.)

This product contained insect fragments, rodent hair fragments, hair fragments resembling rodent hairs, rodent excreta, splinters, fibers, and nondescript material.

Between April 17 and 22, 1943, the United States attorneys for the Eastern District of Louisiana, the District of New Jersey, the District of Maryland, and the District of Columbia filed libels against 1 carton and 25 pounds of candy at New Orleans, La., 115 boxes and 4 cartons of candy at Camden, N. J., 19 boxes of candy at Baltimore, Md., and 353 boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 5 to April 7, 1943, by Ph. Wunderle from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a

filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Licorice Mint Jujubes," "The Best Candies * * * Scotties," "Genuine Apple Jelly Rings Assorted" "Debutantes" "Butter Cream Eggs," "Crystallized Cocoanut Cream Eggs," "Opera Jujubes," or "Franklin Mixture Black."

Between May 21 and June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5130. Adulteration of candy. U. S. v. 83 Cases and 302 Cartons of Candy. Consent decree of condemnation and destruction. (F. D. C. No. 9839. Sample Nos. 3050-F, 3051-F, 3053-F.)

This product contained rodent hair fragments and a portion also contained rodent excreta.

On May 1, 1943, the United States attorney for the District of Kansas filed a libel against 83 cases and 302 cartons, each case and carton containing 12 cellophane bags, of candy, at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about March 26 and 29, 1943, by the Loose-Wiles Biscuit Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Sunshine Jumbo Candy Corn [or "Orange Slices" or "Lemon Drops"]."

On May 3, 1943, the Loose-Wiles Biscuit Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5131. Adulteration of candy. U. S. v. 13 Cartons of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9773, 9872, 10027, 10209. Sample Nos. 14489-F to 14494-F, incl., 22641-F, 37147-F, 37148-F, 45947-F.)

This product contained rodent hairs, hair fragments resembling rodent hairs, and insect fragments.

Between April 8 and July 8, 1943, the United States attorneys for the District of Columbia, Eastern District of Pennsylvania, District of Maryland, and Southern District of California filed libels against 15 cartons, each containing 24 glass jars, of candy at Washington, D. C., 70 jars of candy at Philadelphia, Pa., 31 boxes of candy at Baltimore, Md., and 97 boxes of candy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about March 20 to May 14, 1943, by the Heller Candy Co., Inc., from New York City, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Heller Candies New York Licorice Leaves," "Molasses Mint," "Honey Leaves," "Heller New York Miniatures," "Assorted Patties," "Mint Truffles," "Moca Truffles" or "Assorted Truffles."

Between May 6 and August 11, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5132. Adulteration and misbranding of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 9768. Sample No. 32490-F.)

Examination of this product showed that the fruit ingredient of the article consisted of a small amount of raisins.

On April 13, 1943, the United States attorney for the Northern District of Ohio filed a libel against 23 boxes of candy bars at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about March 9, 1943, by Greasley's, Inc., from Parkersburg, W. Va.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy substances and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

It was alleged to be misbranded in that the name "Ful-O-Fruit" appearing on the label was false and misleading as applied to an article containing a small amount of raisins.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5133. Misbranding of candy. U. S. v. 141 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 9774. Sample No. 37146-F.)

This product was short-weight.

On April 8, 1943, the United States attorney for the District of Columbia filed a libel against 141 boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 15, 1943, by the Shenandoah Valley Apple Candy Co. from Winchester, Va.; and charging that it was misbranded. The article was labeled in part: "Shenandoah-Valley Apple-Candy Made At The Ridgewood Orchards Winchester, Virginia * * * Contents One Pound Net."

The article was alleged to be misbranded in that the statement "Contents One Pound Net" was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

5134. Misbranding of candy. U. S. v. 23 Cartons of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9757, 10117, 10284, 10330. Sample Nos. 3343-F, 20647-F, 20648-F, 21877-F, 52862-F to 52864-F, incl.)

These packages contained a few pieces of candy and a toy. The candy and toy occupied, in some instances, as little as 10 percent of the capacity of the package and, in general, less than one-half the capacity. One lot was short of the declared weight.

From on or about April 20 to July 28, 1943, the United States attorneys for the District of Missouri, the Eastern District of Virginia, the Western District of Pennsylvania, and the District of Massachusetts filed libels against the following quantities of packages containing candy and toys: 23 cartons, each containing 100 packages, of candy at Kansas City, Mo., 203 cartons, each containing 80 packages, of candy at Norfolk, Va., 34 cartons, each containing 100 packages, of candy at McKeesport, Pa., and 165 cartons, each containing 80 packages, of candy at Springfield, Mass. It was alleged that the article had been shipped in interstate commerce within the period from on or about January 23 to June 18, 1943, by the Novel Package Corporation from Brooklyn, N. Y.; and charged that it was misbranded. The article was labeled in part: (Packages) "U. S. Navy Warships," "Remember Pearl Harbor * * * Packed and Distributed By Candyland Company Brooklyn, N. Y.," "Candy & Toy General Douglas MacArthur Packed For and Distributed By Pioneer Specialty Co. Brooklyn, N. Y.," or "U. S. War Planes * * * Keep 'em Flying."

The article was alleged to be misbranded in that the containers were so filled as to be misleading since the candy and toys occupied one-half or less of the volume of the package.

The lot located at Kansas City, Mo., was alleged to be misbranded further in that the statement on the package "Net Weight 1 Oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between May 17, 1943, and September 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5135. Misbranding of candy. U. S. v. 197 Packages of Candy. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. D. C. No. 9853. Sample Nos. 41645-F, 48061-F.)

This product was short of the declared weight and the packages contained excessive paper packing medium.

On April 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 197 packages of candy at Cincinnati, Ohio, which had been consigned on or about March 26, 1943, alleging that the article had been shipped in interstate commerce by Miss Morris Candies, Inc., from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: "Miss Morris Chocolates Easter Greetings Net Weight 1 Lb."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1 Lb." was false and misleading as applied to an article that was short-weight; (2) in that its container was so filled as to be misleading since the candy occupied

less than half the volume of the package; and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various welfare organizations.

5136. Misbranding of candy. U. S. v. 266 Bags of Candy. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10017. Sample No. 10368-F.)

This product was short weight.

On May 28, 1943, the United States attorney for the Northern District of Texas filed a libel against 266 bags of candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by the National Candy Co. from St. Louis, Mo.; and charging that it was misbranded. The article was labeled in part: "Old New Orleans Style Coffee Toffee 8 Ozs. Net."

The article was alleged to be misbranded in that the statement "8 Ozs." was false and misleading since it was incorrect, and in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

CHOCOLATE PRODUCTS

5137. Adulteration of chocolate coating. U. S. v. 57 Bales of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10010. Sample No. 45207-F.)

This product was infested with live insect larvae. The slabs were contaminated on the surface with insect excreta pellets, webbing, cocoons, larvae, and cast skins. Worm cuts filled with insect pellets and webbing were numerous.

On May 24, 1943, the United States attorney for the Eastern District of New York filed a libel against 57 bales, each containing 20 paper-wrapped slabs, of chocolate coating at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about September 14, 1942, to April 1, 1943, by the Hershey Chocolate Corporation from Hershey, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances.

On June 30, 1943, the Loose-Wiles Biscuit Co., Long Island City, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be salvaged by separating the fit from the unfit portion, under the supervision of the Food and Drug Administration. On October 4, 1943, the decree was amended to permit the claimant to salvage the product by brushing, scraping, and/or culling off all portions of the cakes of chocolate showing insect infestation, so as to bring it into conformity with the act.

5138. Adulteration of chocolate coating. U. S. v. 9 Bags of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9791. Sample Nos. 42117-F, 42118-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. When examined, the bags were torn and the remains of several rodent nests were found by the inspector. The chocolate showed evidence of having been gnawed by rodents.

On April 13, 1943, the United States attorney for the Southern District of Ohio filed a libel against 9 bags of chocolate coating at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about December 7, 1942, to March 10, 1943, from Hershey, Pa., and that it was in possession of the Kroger Grocery & Baking Co.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the fact that it had been gnawed by rodents, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Paper wrapper) "Hershey's Puritan Sweet * * * Chocolate Coating," or "Hershey's Summit Sweet Chocolate Coating."

On May 4, 1943, the Kroger Grocery and Baking Co. of Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging by separating the fit portion from the unfit portion, and destruction of the latter, under the supervision of the Food and Drug Administration.

MISCELLANEOUS SACCHARIN PRODUCTS

5139. Misbranding of honey and peanut butter. U. S. v. H & M Packing Co., Inc. Plea of guilty. Fine, \$1,000. (F. D. C. No. 9667. Sample Nos. 17057-F, 18547-F.)

On November 24, 1943, the United States attorney for the Eastern District of New York filed an information against the H & M Packing Co., Inc., at Brooklyn, N. Y., alleging (1) that the defendant, on or about February 18, 1943, shipped from Brooklyn, N. Y., to Worcester, Mass., and caused to be shipped from Worcester, Mass., back to Brooklyn, N. Y., a quantity of honey; and (2) that the defendant on or about March 13, 1943, shipped from Brooklyn, N. Y., to Asbury Park, N. J., a quantity of peanut butter. The articles were labeled in part: (Cases) "12 3 lbs.," and (jars) "Alice Lee Honey 3 lbs. Distributed by New England Grocer Supply Co. Worcester, Massachusetts," or "Champion Brand Peanut Butter * * * Net Wt. 1 Lb."

The honey was alleged to be misbranded in that the statement "3 lbs" borne on the cases and jars was false and misleading since the jars did not contain 3 pounds of honey but contained a smaller amount. The peanut butter was alleged to be misbranded in that the statement "Net Wt. 1 lb." borne on the jar was false and misleading since the jars did not contain 1 pound net weight of peanut butter but contained a smaller amount. Both products were alleged to be misbranded further in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents, since the statements borne on the labels were incorrect.

On January 12, 1944, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$1,000.

5140. Misbranding of honey. U. S. v. 29 Cartons of Honey. Default decree of condemnation and destruction. (F. D. C. No. 9386. Sample No. 20204-F.)

On February 18, 1943, the United States attorney for the District of Massachusetts filed a libel against 29 cartons, each containing 12 3-pound jars, of honey at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about January 5, 1943, by the H & M Packing Co., Inc.; from Brooklyn, N. Y.; and charging that it was misbranded in that the label statement "3 lbs." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Jars) "Alice Lee Honey 3 Lbs. Distributed by New England Grocer Supply Co. Worcester, Massachusetts."

On April 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was delivered to a charitable institution by the marshal.

5141. Misbranding of honey. U. S. v. 11 Cases of Honey. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9883. Sample No. 44838-F.)

This product was short-weight.

On or about May 5, 1943, the United States attorney for the District of New Jersey filed a libel against 11 cases, each containing 24 jars, of honey at Long Branch, N. J., alleging that the article had been shipped in interstate commerce on or about April 7, 1943, by Safe Owl Products, Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "King Bee Brand Pure Honey Net Weight 4 Ozs."

The article was alleged to be misbranded in that the statement "Net Weight 4 Ozs." was false and misleading as applied to an article that was short weight and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5142. Misbranding of honey. U. S. v. 168 Cases of Honey. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 9882. Sample No. 44306-F.)

This product was short-weight.

On or about May 6, 1943, the United States attorney for the District of New Jersey filed a libel against 168 cases, each containing 24 jars, of honey at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 2, 1943, by Silver Hill Products, Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Silver Hill Imported Honey Net Wt. 1 Lb."

The article was alleged to be misbranded in that the statement "Net Wt. 1 Lb." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 23, 1943, Silver Hill Products, Inc., having appeared as claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for filling the jars, under the supervision of the Food and Drug Administration, so that they would contain the 1 pound of the product as declared on the label.

5143. Misbranding of honey butter. U. S. v. 5 Cartons of Honey Butter. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9795. Sample No. 45142-F.)

This product was short-weight, and analysis showed it to be whipped honey containing no butterfat or milk solids.

On April 27, 1943, the United States attorney for the Southern District of New York filed a libel against 5 cartons of honey butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by Merit Food Products from Hackensack, N. J.; and charging that it was misbranded. The article was labeled in part: (Jars) "Sun Valley Farms Honey Butter * * * E. A. Dreher, Jr. Distributor * * * Newark, N. J."

The article was alleged to be misbranded in that the name "Honey Butter" was false and misleading as applied to whipped honey containing no butter, since mixtures of honey and butter have been found on the market under the name "Honey Butter." It was alleged to be misbranded further in that the statement "1 Lb.," appearing on the label, was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On May 13, 1943, an amended decree was entered ordering that samples be delivered to the Food and Drug Administration and that the remainder be delivered to a welfare organization.

5144. Adulteration of Cerelose. U. S. v. 56 Sacks of Cerelose. Consent decree of condemnation. Product ordered released under bond to be mixed and disposed of as stock feed. (F. D. C. No. 9854. Sample No. 11106-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce.

On April 23, 1943, the United States attorney for the Northern District of California filed a libel against 56 100-pound sacks of Cerelose (dextrose sugar) in possession of Fluhrer's Bakeries, at Eureka, Calif., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, and January 6, 1942, from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs, rodent pellets, and urine, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 18, 1943, Fluhrer's Bakeries, Eureka, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The product was mixed with barley and disposed of as stock feed.

5145. Misbranding of "Swee-Teen." U. S. v. 15 Cases of "Swee-Teen." Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 9811. Sample Nos. 7397-F, 8696-F.)

This product was a mixture of gelatinized starch with small amounts of sodium bicarbonate salt, and tartaric acid. When used as directed it would produce invert sugar, but would not act as a sugar saver.

On April 24, 1943, the United States attorney for the Northern District of Illinois filed a libel against 15 cases of an article labeled in part "Swee-Teen" at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 9, 1943, by the Minnesota Beverage Supply Company from Minneapolis, Minn.; and charging that it was misbranded. The shipment consisted of goods that had been returned to the original shipper, National Food Products, Chicago, Ill.

It was alleged to be misbranded in that the statements in the labeling "'Swee-Teen' A pure food invert sugar powder. To save 30% sugar. To make 45% More Sweetening. For Invert Sugar Syrup at 4½c per lb. Each lb. Makes 200 lbs. Extra Sweetening. * * * 1 lb. of 'Swee-Teen', 500 lbs. of sugar and 250 lbs. of water make over 720 lbs. of 'Swee-Teen' Invert Sugar Syrup," were false and misleading as applied to an article which was not a sweetening ingredient and would not replace sugar.

On May 27, 1943, M. R. Wetherholt and Lawrence Hedrick, trading as National Food Products, having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

5146. Adulteration of butter. U. S. v. 2,626 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10037. Sample No. 48024-F.)

This product contained mold.

On May 19, 1943, the United States attorney for the Southern District of Ohio filed a libel against 2,626 pounds of butter at Cincinnati, Ohio, which had been consigned on or about May 13, 1943, alleging that the article had been shipped in interstate commerce by the Farmers Producers Ass'n from Crawfordsville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Albers Patsy Ann Brand Creamery Butter Distributed by Albers Super Markets, Inc., Cincinnati, Ohio."

On June 11, 1943, the Farmers Producers Ass'n, having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5147. Adulteration of butter. U. S. v. 10 Cases and 10 Cases of Butter. Decrees of condemnation. Product ordered released under bond for segregation of the inedible portion and its disposition for non-food purposes. (F. D. C. Nos. 10040, 10042. Sample Nos. 6700-F, 6717-F, 6718-F, 6720-F.)

On May 12, 1943, the United States attorney for the Western District of Tennessee filed libels against a total of 20 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25 and April 1, 1943, by the Central Kansas Cooperative Creamery Association from Hillsboro, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a moldy, cheesy, and rancid substance, rendering it unfit for food.

On June 5, 1943, the Klinke Bros. Dairy, Memphis, Tenn., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for separation of the edible portion from the inedible portion, and disposition of the latter for non-food purposes.

5148. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation. Product ordered converted into inedible grease and disposed of for war purposes. (F. D. C. No. 10041. Sample Nos. 6709-F, 6714-F.)

On May 12, 1943, the United States attorney for the Western District of Tennessee filed a libel against 12 cases, each containing 32 1-pound rolls, of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about April 1, 1943, by the Jerpe Dairy Products Corp. from Fayetteville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a cheesy and putrid substance. The article was

labeled in part: (Cases) "OL' FASHUND ROLL FINEST CREAMERY BUTTER WILSON & COMPANY DISTRIBUTORS."

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a firm, designated by the War Production Board, in order that it be converted into inedible grease for use in the war program.

5149. Adulteration of butter. U. S. v. 12 Boxes and 30 Boxes of Butter. Default decree of condemnation with respect to 1 lot and the product ordered delivered to fat salvage unit. All but 2 boxes of remaining lot delivered to fat salvage unit, subsequently the remaining 2 boxes condemned and ordered destroyed. (F. D. C. Nos. 8446, 8447. Sample Nos. 15370-F to 15372-F, incl.)

This product contained insect parts, rodent hair, plant fibers and nondescript dirt.

On August 29, 1942, the United States attorney for the District of Nevada filed libels against 42 boxes of butter, each containing 30 individual 1-pound prints, at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about August 20, 1942, by the Nelson-Ricks Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Banquet Better Butter * * * Banquet Better Foods, General Offices, Salt Lake City, Utah," or "Table Queen Creamery Butter."

On November 4, 1942, no claimant having appeared in the first action, judgment of condemnation was entered and the product that was seized was ordered delivered to the local fat salvage unit. On April 9, 1943, the 30 boxes of butter involved in the remaining action having become moldy and rancid, the claimant, the Nelson-Ricks Creamery Co., and the United States attorney entered into a stipulation providing for the delivery of all but 2 boxes to the fat salvage unit. On June 14, 1943, the claim and answer of the Nelson-Ricks Creamery Co. having been withdrawn, a judgment of condemnation was entered and the remaining 2 boxes were ordered destroyed.

5150. Adulteration of butter. U. S. v. 22 Cases of Butter, (and 6 additional seizure actions against butter). Decrees of condemnation. Six of the lots ordered released under bond, 3 to be reworked and 3 to be manufactured into butter oil. One lot ordered sold to highest bidder, to be denatured and used for technical war purposes. (F. D. C. Nos. 10226, 10229, 10235, 10293, 10296, 10300, 10481. Sample Nos. 9620-F, 32539-F, 33828-F, 38905-F, 41309-F, 43202-F, 43204-F, 43206-F, 46346-F.)

Portions of this product contained mold. Other portions were low in milk fat.

Between June 23, and August 3, 1943, the United States attorneys for the Southern District of Alabama, the Southern District of Iowa, the Middle District of Pennsylvania, the Northern District of Ohio, the Northern District of Illinois, and the Eastern District of North Carolina filed libels against 30 cases of butter at Mobile, Ala., 383 cubes, 154 cartons, and 20 tubs of butter at Atlantic, Iowa, 10 cases, 22 pounds of butter at Elkland, Pa., 65 cases of butter at Cleveland, Ohio, 21 $\frac{7}{8}$ cartons of butter at Chicago, Ill., and 19 cases at Rocky Mount, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to July 19, 1943, by Swift & Company from West Point, Miss., Omaha, Nebr., Elmira, N. Y., Keokuk, Iowa, and Lexington, Ky.; and charging that it was adulterated. Portions of the article were labeled in part: "Swift's Brookfield Butter," "Butter Meadowland Creamery Distributors, Chicago," "Waverly Brand Creamery Butter * * * Manufactured by Waverly Butter & Egg Co., Waverly, N. Y.," or "Glenwood [or "Southern Belle" or "Cresta"] Creamery Butter."

Portions of the article were alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The remainder was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Within the period from July 3 to September 8, 1943, decrees of condemnation were entered. No claim having been entered for the lot located at Elkland, Pa., the product was ordered sold on condition that it be denatured and used for technical war purposes. Swift & Co. having appeared as claimant in the other actions, the product was ordered released under bond on condition that it be disposed of in compliance with the law. The lots that were low in milk fat

were reworked and the lots that contained mold were converted into refined butter oil.

Nos. 5151 to 5167 (also No. 5150) report actions involving butter that was below the legal standard for milk fat.

5151. Adulteration of butter. U. S. v. 650 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for segregation and reworking of the portion low in milk fat. (F. D. C. No. 10154. Sample Nos. 45091-F, 45094-F, 45095-F.)

On or about June 14, 1943, the United States attorney for the District of New Jersey filed a libel against 650 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 3, 1943, by the Dairy Products Marketing Association, Inc., from Columbus, Ind.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter * * * Farmers Marketing Ass'n Columbus, Indiana"

On August 4, 1943, the Farmers Marketing Association, claimant, having admitted that the product, at least in part, was in violation of the law and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation according to churn numbers, the release of all portions that complied with the fat standard, and the reworking of the remainder under the supervision of the Food and Drug Administration.

5152. Adulteration of butter. U. S. v. 13 Cubes of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10802. Sample No. 11538-F.)

On August 28, 1943, the United States attorney for the Northern District of California filed a libel against 13 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 14, 1943, by the Blue Bonnet Creamery from Perryton, Tex.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Made by Wellington Creamery Wellington, Texas."

On September 14, 1943, O. Casperson & Sons of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5153. Adulteration of butter. U. S. v. 21 Boxes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 10760. Sample No. 11533-F.)

On August 18, 1943, the United States attorney for the Northern District of California filed a libel against 21 boxes, each containing 64 pounds, of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 30, 1943, by the Sherman Produce Co., from Sioux City, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 3, 1943, the P. Lerner Company of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

5154. Adulteration of butter. U. S. v. 14 Cubes of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10773. Sample Nos. 43544-F, 43546-F.)

On or about August 30, 1943, the United States attorney for the Western District of Missouri filed a libel against 14 cubes, each containing 63 pounds, of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 16, 1943, by the Shawnee County Creamery from Topeka, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 9, 1943, the Harding Cream Co., Division of Sugar Creek Creamery, of Kansas City, Mo., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5155. Adulteration of butter. U. S. v. 8 Cubes of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10759. Sample No. 11532-F.)

On August 18, 1943, the United States attorney for the Northern District of California filed a libel against 8 64-pound cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 30, 1943, by O. Casperson & Sons from Hutchinson, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 3, 1943, P. Lerner Co. of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5156. Adulteration of butter. U. S. v. 124 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10657. Sample Nos. 48203-F, 48205-F.)

On August 24, 1943, the United States attorney for the Northern District of Ohio filed a libel against 124 boxes, each containing 60 pounds, of butter at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 9, 1943, by the Breda Creamery Co. from Breda, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 13, 1943, the Stonehill Creamery Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5157. Adulteration of butter. U. S. v. 36 Cubes of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10761. Sample No. 11537-F.)

On August 27, 1943, the United States attorney for the Northern District of California filed a libel against 36 cubes, each containing 63 pounds, of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 7, 1943, by the Arkansas City Cooperative, from Arkansas City, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 14, 1943, O. Casperson & Sons, San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5158. Adulteration of butter. U. S. v. Jacob Aschbacher (Prineville Creamery). Plea of guilty. Fine, \$20. (F. D. C. No. 9614. Sample Nos. 10780-F, 10781-F.)

On April 28, 1943, the United States attorney for the District of Oregon filed an information against Jacob Aschbacher, trading as the Prineville Creamery at Prineville, Oreg., alleging that on or about July 30, 1942, the defendant gave to Ruby & Co., of Portland, Oreg., a guaranty that all articles delivered by the defendant to such company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about October 2 and 15, 1942, the defendant sold and delivered quantities of a food to Ruby & Co. which was, on or about October 3 and 16, 1942, introduced and delivered for introduction into interstate commerce by the purchaser from the State of Oregon into the State of California. The information charged further that the defendant, in violation of the Act, gave a guaranty which was false, since the food so sold and delivered was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

On June 11, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$20.

5159. Adulteration of butter. U. S. v. Farmers Marketing Association. Plea of guilty. Fine, \$25. (F. D. C. No. 9624. Sample No. 31876-F.)

On May 18, 1943, the United States attorney for the Southern District of Indiana filed an information against the Farmers Marketing Association, a corporation, at Columbus, Ind., alleging shipment on or about January 18, 1943.

from the State of Indiana into the State of Ohio of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 5, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

5160. Adulteration of butter. U. S. v. Spooner Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. D. C. No. 9641. Sample No. 38116-F.)

On May 25, 1943, the United States attorney for the Western District of Wisconsin filed an information against the Spooner Cooperative Creamery Co., a corporation, at Spooner, Wis., alleging shipment on or about February 1, 1943, from the State of Wisconsin into the State of Illinois of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On July 13, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

5161. Adulteration of butter. U. S. v. 8 Cubes (approximately 500 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9735. Sample No. 11239-F.)

On March 12, 1943, the United States attorney for the Northern District of California filed a libel against 8 cubes of butter at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about February 18, 1943, by the Tulsa Cold Storage Co. from Tulsa, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 20, 1943, the Carnation Co. of Oakland, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

5162. Adulteration of butter. U. S. v. 17 Cubes (1,020 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9805. Sample No. 11270-F.)

On April 2, 1943, the United States attorney for the Northern District of California filed a libel against 17 60-pound cubes of butter at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about March 16, 1943, by the Farmers Co-operative Creamery Association from Avoca, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 23, 1943, Safeway Stores having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

5163. Adulteration of butter. U. S. v. 45 Cartons (2,880 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9980. Sample No. 18557-F.)

On April 29, 1943, the United States attorney for the Southern District of New York filed a libel against 45 cartons, each containing 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13, 1943, by the Sorenson Creameries from Big Stone City, S. Dak.; and charging it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "J. R. Kramer, Inc. * * * New York * * * Bulk Butter."

On May 11, 1943, Sorenson Creameries having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Food and Drug Administration, so that it contain at least 80 percent of milk fat.

5164. Adulteration of butter. U. S. v. 114 Cubes (7,752 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 10028. Sample No. 11293-F.)

On May 18, 1943, the United States attorney for the Northern District of California filed a libel against 114 68-pound cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by the Moundridge Cooperative Creamery Co. from Moundridge,

Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 3, 1943, O. Casperson & Sons, a co-partnership, San Francisco, Calif., having appeared as claimants, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5165. Adulteration of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation. Product ordered distributed to welfare organizations. (F. D. C. No. 10029. Sample No. 23629-F.)

On May 17, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 3 63-pound tubs of butter at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce on or about April 12, 1943, by the Waverly Butter & Egg Co. from Waverly, N. Y.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 29, 1943, no claimant having appeared, judgment of condemnation was entered and, in lieu of destruction, the product was ordered distributed to welfare organizations.

5166. Adulteration of butter. U. S. v. 8 Cubes (792½ pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10038. Sample No. 10915-F.)

On May 11, 1943, the United States attorney for the Northern District of California filed a libel against 8 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 30, 1943, by the Mutual Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 14, 1943, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5167. Adulteration of butter. U. S. v. 34 Cubes (2,244 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10039. Sample No. 10917-F.)

On May 10, 1943, the United States attorney for the Northern District of California filed a libel against 34 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 29, 1943, by the Sheridan Creamery from Sheridan, Wyo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 13, 1943, the Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5168. Misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$500. (F. D. C. No. 9674. Sample No. 29074-F.)

On July 23, 1943, the United States attorney for the Eastern District of Tennessee filed an information against the Sugar Creek Creamery Co., a corporation, Knoxville, Tenn., alleging shipment on or about April 1, 1943, from the State of Tennessee into the State of Georgia of a quantity of butter that was short weight. The article was labeled in part: (Cartons) "Sugar Creek Butter 1 Lb. [or "One Pound Net"]," and (wrappers) "Sugar Creek Butter 4 Oz. Net Weight."

The article was alleged to be misbranded in that the statements "1 Lb. Net" and "One Pound Net," displayed upon the cartons, and the statement "4 Oz. Net Weight," displayed upon the wrappers, were false and misleading since the cartons and the wrappers contained a smaller amount than stated, and in that the product was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the statements on the cartons and wrappers were incorrect.

On August 10, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$500.

5169. Misbranding of butter. U. S. v. 294 1-Pound Prints and 116 1-Pound Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9704. Sample No. 30580-F.)

This product was short-weight.

On March 15, 1943, the United States attorney for the Western District of Washington filed a libel against 294 1-pound prints and 116 1-pound cartons of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 8, 1943, by Swanson's Creamery from Mobridge, S. Dak.; and charging that it was misbranded. The article was labeled in part: "Dakota Maid Butter * * * One Pound Net Weight," or "1 Lb. Net Dakota Maid Creamery Butter."

The article was alleged to be misbranded in that the prints and cartons of said product did not contain "One Pound Net Weight" or "1 Lb. Net" as labeled.

On April 3, 1943, Milton Stienecker, of Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5170. Misbranding of butter. U. S. v. 58 Cartons of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9807. Sample No. 14948-F.)

On January 4, 1943, the United States attorney for the Southern District of California filed a libel against 58 cartons, each containing 30 retail packages, of butter at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about December 28, 1942, by the Mountain States Creamery from Salt Lake City, Utah; and charging that it was misbranded. The article was labeled in part: (Retail cartons) "One Pound Net Mountain View Brand Creamery Butter Distributed by Mountain View Dairies, Inc., Long Beach-Los Angeles Calif."

The article was alleged to be misbranded in that the prints did not contain 1 pound net as labeled.

On January 12, 1943, the Mountain States Creamery having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5171. Misbranding of butter. U. S. v. 15 Cases of Butter. Decree of condemnation. Product ordered released under bond to be brought up to labeled weight. (F. D. C. No. 9786. Sample No. 14085-F.)

On March 15, 1943, the United States attorney for the District of Arizona filed a libel against 15 cases, each containing 30 1-pound prints, of butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about March 5, 1943, by the Swisher Creamery Co. from Tulia, Tex.; and charging that it was misbranded. The article was labeled in part: (Carton) "Rainbow Butter, One Pound Net, Creamery Butter, Distributed by Dickey-Davis Co. Phoenix, Arizona."

The article was alleged to be misbranded in that the prints did not contain "One Pound Net" as labeled.

On April 28, 1943, the Swisher Creamery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought up to the labeled weight, under the supervision of the Food and Drug Administration.

5172. Misbranding of butter. U. S. v. 11 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9968. Sample No. 48063-F.)

This product was short-weight.

On April 21, 1943, the United States attorney for the Southern District of Ohio filed a libel against 11 cases of butter at Cincinnati, Ohio, which had been consigned on or about April 16, 1943, alleging that the article had been shipped in interstate commerce by the Napoleon Creamery from Napoleon, Ind.; and charging that it was misbranded. The article was labeled in part: "1/4 Lb. Net Weight."

It was alleged to be misbranded in that the prints did not contain "1/4 Lb. Net Weight."

On May 18, 1943, the Napoleon Creamery, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CHEESE

5173. Adulteration of cheese. U. S. v. 27 Cases of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8968. Sample Nos. 12187-F, 12192-F.)

On December 8, 1942, the United States attorney for the Western District of Washington filed a libel against 27 cases of cheese at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 4, 1942, by the Star Cheese Factory from Langlois, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Milk Oregon Blue Cheese."

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5174. Adulteration of cheese. U. S. v. 2 Crates of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9959. Sample No. 17452-F.)

On May 17, 1943, the United States attorney for the Eastern District of New York filed a libel against 2 crates, each containing 188 pounds, of Ricotta cheese at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 3, 1943, by the Manino Cheese Co. from Westfield, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent and cat hair fragments, flies, and maggots, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5175. Adulteration of cheese. U. S. v. 74 Formaggio Cheeses. Decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 9865. Sample No. 23036-F.)

This product contained mites.

On April 24, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 74 10-pound Formaggio cheeses at Easton, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by the La Marca Dairy Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 8, 1943, Frank Nevosa, partner of the La Marca Dairy Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law under the supervision of the Food and Drug Administration.

5176. Adulteration of cheese. U. S. v. 222 Romano Cheeses and 37 Sbrinz Cheeses. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9935. Sample No. 10914-F.)

This product was stored under extremely filthy conditions. Numerous rodent pellets were found on the shelves on which the cheese was stored, it had been gnawed by rodents, and rodent pellets and hairs resembling rodent hairs were found on the surface of the cheese.

On May 13, 1943, the United States attorney for the Northern District of California filed a libel against 222 Romano cheeses and 37 Sbrinz cheeses at San Francisco, Calif., alleging that the article had been shipped in foreign commerce from Argentina, South America, by A. Giurlani & Bros., a corporation, of San Francisco, Calif., on or about February 19, 1943; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 1, 1943, A. Giurlani & Bros. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was reconditioned by scraping and trimming off all rodent-damaged cheese, and denaturing the rejected portion.

MISCELLANEOUS DAIRY PRODUCTS

5177. Adulteration of cream. U. S. v. 5 10-Gallon Cans of Cream (and 10 additional seizure actions against cream). Consent decrees of condemnation. Product ordered churned and the fat salvaged for war purposes. (F. D. C. Nos. 9969 to 9979, incl. Sample Nos. 15269-F, 15272-F, 15274-F, 15276-F, 15280-F, 15974-F to 15977-F, incl., 15981-F, 15987-F, 15988-F, 36028-F, 36032-F, 36035-F, 36039-F, 36040-F, 36042-F, 36102-F, 36103-F, 36107-F, 36109-F, 36116-F, 36118-F to 36120-F, incl.)

On April 5 and 8, 1943, the United States attorney for the District of Colorado filed 11 libels against a total of 52 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about March 26 to April 1, 1943, in various quantities by the St. Francis Equity Creamery Co., from St. Francis, Kans.; Kittle Bros., from Maxwell, Nebr.; L. M. Strickler, from Wheatland, Wyo.; the Bird City Produce Co., from Bird City, Kans.; A. L. Bangert, from Big Springs, Nebr.; E. Cords, from Potter, Nebr.; Martin Nielsen, from Grant, Nebr.; C. W. Altig, from Imperial, Nebr.; Hansie Johnson, from Champion, Nebr.; Wendell Hobson, from Wheatland, Wyo.; Bessie Knight, from Benkelman, Nebr.; E. J. Meehan, from Sidney, Nebr.; Mattie Rose, from Madrid, Nebr.; Esther Ungles, from Trenton, Nebr.; the Cooperative Union Mercantile Co., from Blackwolf, Kans.; Fred J. Toll, from Sharon Springs, Kans.; Bert Smith, from York, Nebr.; Ed Lothrop, from Goodland, Kans.; Frank Kalous, from Sumner, Nebr.; the Klein Produce Co., from Goodland, Kans.; Ray E. Stires, from Atwood, Kans.; and John Merrill, from Ogallala, Nebr. The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 5 and 8, 1943, the consignees having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the United States marshal have the cream churned and sold for its fat content and disposed of for war purposes.

5178. Adulteration of ice cream. U. S. v. Beatrice Creamery Co. (Meadow Gold Dairies). Plea of guilty. Fine, \$3,000. (F. D. C. No. 9650. Sample Nos. 15782-F to 15784-F, incl., 15938-F, 36004-F, 36006-F.)

This product contained insect fragments, rodent hair fragments, feather barbules, and hair fragments resembling rodent or cat hairs.

On June 9, 1943, the United States attorney for the District of Colorado filed an information against the Beatrice Creamery Co., a corporation, trading at Denver, Colo., under the name Meadow Gold Dairies, alleging shipment within the period from on or about February 19 to 22, 1943, from the State of Colorado into the States of Wyoming and Kansas of quantities of ice cream that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. A portion of the article was labeled in part: "Smooth-Freeze Meadow Gold Ice Cream."

On June 19, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$750 on each of the 4 counts contained in the information, a total of \$3,000.

5179. Adulteration of an article labeled in part "Victory Spread." U. S. v. 4 cartons of an article labeled in part "Victory Spread" (and 3 additional seizure actions against "Victory Spread"). Default decrees of condemnation. One lot ordered destroyed; remaining lots ordered delivered to soap factories for salvaging for industrial uses. (F. D. C. Nos. 9705, 9726, 9727, 9736. Sample Nos. 17444-F, 20207-F, 44933-F, 44934-F.)

Within the period from March 12 to 20, 1943, the United States attorneys for the District of Massachusetts and the District of New Jersey filed libels against the following 16-pound cartons of Victory Spread: 4 cartons at Somerville, Mass., 9¼ cartons at Union City, N. J., 8 cartons at Passaic, N. J., and 8 cartons at Bayonne, N. J. It was alleged that the article had been shipped in interstate commerce on or about March 3 and 5, 1943, by Breakstone Bros., Inc., from New York, N. Y.; and charged that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, and in that water and air had been added thereto or mixed therewith so as to increase its bulk or weight, reduce its quality, or make it appear better or of greater value than it was. The article was labeled in part: "Breakstone's Victory Spread Ingredients: A Delicious Dairy Product containing butter fat 70%, Moisture 29%, Milk Solids 1%."

On April 26, 1943, no claimant having appeared for the lot located at Somerville, Mass., judgment of condemnation was entered and the product was ordered destroyed. (It was delivered to a charitable organization.) On June 30, 1943, no claimant having appeared for the lots located at Union City, N. J., Passaic, N. J., and Bayonne, N. J., judgments of condemnation were entered and the product was ordered delivered to a soap factory for salvage purposes.

EGGS

5180. Adulteration of eggs. U. S. v. 139 Cases of Eggs. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 9947. Sample No. 3291-F.)

On or about May 26, 1943, the United States attorney for the District of Kansas filed a libel against 139 cases, each containing 30 dozen eggs, at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about May 5, 1943, by Glenn C. Roberts from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 28, 1943, Glenn C. Roberts of Kansas City, Kans., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5181. Adulteration and misbranding of dried whole eggs. U. S. v. 1 Barrel of Powdered Whole Egg. Default decree of condemnation and destruction. (F. D. C. No. 9917. Sample No. 45148-F.)

On May 12, 1943, the United States attorney for the Eastern District of New York filed a libel against 1 barrel containing 200 pounds of powdered whole egg at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 18, 1943, by the Eire Thomas Pie Co. from Toledo, Ohio; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that it purported to be and was represented as dried whole eggs, a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and it failed to conform to such definition and standard since the article was not dried whole eggs but a mixture of spray-dried yolk and powdered egg albumen.

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5182. Adulteration of dried whole eggs. U. S. v. 10 Barrels of Dried Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 9869. Sample No. 33451-F.)

On or about April 30, 1943, the United States attorney for the District of New Jersey filed a libel against 10 barrels of dried whole eggs at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 10 and 18, 1943, by Haug & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5183. Adulteration and misbranding of Eggine. U. S. v. 30 Dozen Envelopes and 45 Dozen Packages of Eggine. Default decree of condemnation and destruction. (F. D. C. No. 9867. Sample No. 14767-F.)

This product consisted essentially of cornstarch, dried casein, baking soda, and artificial color. It purported to take the place of eggs in baking and cooking, but had none of the characteristic properties of eggs.

On April 27, 1943, the United States attorney for the Southern District of California filed a libel against 30 dozen envelopes and 45 dozen packages of Eggine at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 19 and February 2, 1943, by Chas. T. Morrissey & Co. from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color, and in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the following statements and designs in the labeling were false and misleading as applied to an article that had none of the characteristic properties of eggs: (Envelopes and 4-ounce packages) "Eggine * * * Use the Same Way as Eggs For Baking and Cooking * * * Complies With The Pure Food Law," (circular in envelopes) "Eggine Used for BaKing and Cooking Same As Eggs * * * It can, in fact, be used instead of eggs in practically all kinds of cooking and baking," (display card, bearing the design of a hen and egg, enclosed in carton of 12 4-ounce packages) "Eggine Egg Substitute * * * Used the Same as Eggs for Baking And Cooking 25¢ Can Takes the Place of 3 Doz. Always Fresh * * * Very Economical Eggs Less than 9¢ a Doz.," (display sheet enclosed in display cartons) "Eggine Used the Same as Eggs in Baking and Cooking * * * Always Fresh and Reliable." It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FISH AND SHELLFISH

CANNED FISH

5184. Adulteration of canned salmon. U. S. v. 316 Cases of Canned Salmon. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9902. Sample No. 19626-F.)

On May 7, 1943, the United States attorney for the District of Massachusetts filed a libel against 316 cases, each containing 48 cans, of salmon at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 9, 1943, by Whitney & Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Golden Shore Brand Alaska Salmon."

On July 12, 1943, Whitney & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the decomposed portion, under the supervision of the Food and Drug Administration.

FRESH FISH

5185. Adulteration of haddock fillets. U. S. v. 15 Barrels of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9960. Sample No. 21847-F.)

On May 17, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 15 barrels, each containing 5 20-pound cartons, of haddocks fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 10, 1943, by the Cape Ann Fisheries, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5186. Adulteration of ocean pout fillets. U. S. v. 462 Pounds of Ocean Pout Fillets. Default decree of condemnation. Product ordered sold for manufacture into poultry feed. (F. D. C. No. 9906. Sample Nos. 42230-F, 42263-F.)

On or about May 10, 1943, the United States attorney for the Southern District of Ohio filed a libel against 462 pounds of ocean pout fillets at Dayton, Ohio, which had been consigned on or about April 27, 1943, alleging that the article had been shipped in interstate commerce by the Wamsutta Fillet Corporation from New Bedford, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasitized and diseased ocean pout fillets, and in that it was in whole or in part the product of diseased animals.

On June 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a poultry feed company to be made into poultry feed.

FROZEN FISH

5187. Adulteration of frozen garfish fillets. U. S. v. 89 Cartons of Garfish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9948. Sample Nos. 44865-F, 44866-F.)

On May 14, 1943, the United States attorney for the Eastern District of New York filed a libel against 89 cartons of frozen garfish fillets at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 14, 1943, by the Louisiana Shrimp Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Garfish Fillet Packed For Atlas Foods NY."

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5188. Adulteration and misbranding of frozen ocean pout fillets. U. S. v. 372 15-Pound Boxes and 426 20-Pound Boxes of Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9942. Sample No. 46308-F.)

Examination of this product showed the presence of parasitized and diseased frozen fish. Practically all of the 20-pound boxes were unlabeled except for the inconspicuous statement "Net Wt. 20 lbs." Some of the 15-pound boxes were labeled "Ocean Pout"; some were labeled "Flounder Fillets"; on some the word "Flounder" was crossed off but nothing was written in its place; and on others the word "Flounder" was crossed off and "Pout" was written in with black wax pencil in varying degrees of legibility.

On May 13, 1943, the United States attorney for the District of Maryland filed a libel against 372 15-pound boxes and 426 20-pound boxes of ocean pout fillets at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 1, 1943, by J. Adams & Co. from Boston, Mass.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy substances, and in that it was in whole or in part the product of a diseased animal.

The article in 20-pound boxes was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that the statement of the quantity of the contents, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (3) in that its label failed to bear the common or usual name of the food. The article in some of the 15-pound boxes was alleged to be misbranded (1) in that the name "Flounder" borne on some of the boxes was false and misleading as applied to ocean pout; (2) in that the common or usual name of the food, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (3) in that its label failed to bear the common or usual name of the food.

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5189. Adulteration of frozen ocean pout fillets. U. S. v. 1,606 Boxes and 1,453 Boxes of Frozen Fillets. Consent decrees of condemnation. Product ordered released under bond for salvaging the good portion. (F. D. C. Nos. 9858, 9965. Sample Nos. 38264-F, 38266-F, 38289-F.)

On April 24 and May 21, 1943, the United States attorney for the Northern District of Illinois filed a libel against a total of 3,059 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 27 and May 4, 1943, by the Seaview Fish Co. from New Bedford, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, parasitized and diseased fish, and in that it was in whole or in part the product of a diseased animal.

On April 29 and June 12, 1943, Albert E. Burhop, Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for separating and salvaging the good portion, under the supervision of the Food and Drug Administration.

5190. Adulteration of frozen ocean pout fillets. U. S. v. 150 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9863. Sample No. 37960-F.)

On April 27, 1943, the United States attorney for the Northern District of Illinois filed a libel against 150 boxes of frozen ocean pout fillets at Chicago, Ill.,

alleging that the article had been shipped in interstate commerce on or about April 8, 1943, by the New Bedford Fillet Co. from New Bedford, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, parasitized and diseased fish, and in that it was in whole or in part the product of a diseased animal. The article was labeled in part: "Ocean Pout Fillets Packed by N. B. Fillet Co. New Bedford, Mass."

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5191. Adulteration of frozen ocean pout fillets. U. S. v. 67 Boxes, 794 Boxes, and 194 Boxes of Ocean Pout Fillet. Decrees of condemnation and destruction. (F. D. C. Nos. 9941, 9983. Sample Nos. 3184-F, 3185-F, 44539-F.)

On or about May 17 and 21, 1943, the United States attorneys for the Districts of New Jersey and Nebraska filed libels against 67 boxes of frozen fish at Newark, N. J., and 988 boxes of frozen fish at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about April 26 and May 2, 1943, by L. S. Eldridge & Son from New Bedford, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasitized and decomposed ocean pout, and in that it was in whole or in part the product of a diseased animal. The article was labeled in part: "Finest Fillet Co. [or "Union Fillet Co.," or "Cape Cod Fillet Co.,"] New Bedford, Mass."

The consignee of the lot seized at Omaha having consented to the entry of a decree, and no appearance having been entered in the remaining action, judgments of condemnation were entered on May 28 and June 21, 1943, and the product was ordered destroyed.

5192. Adulteration of frozen rosefish fillets. U. S. v. 310 Boxes of Rose Fish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9798. Sample No. 38267-F.)

On April 17, 1943, the United States attorney for the Northern District of Illinois filed a libel against 310 boxes of frozen rosefish fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 2, 1943, by Busalacchi Brothers from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasites. The article was labeled in part: (Boxes) "Seakist Brand Fish * * * Rose Fish Fillets."

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SHELLFISH

5193. Adulteration and misbranding of canned crab meat. U. S. v. 37 Cases of Canned Crabmeat. Default decree of condemnation and destruction. (F. D. C. No. 9894. Sample No. 8961-F.)

On May 6, 1943, the United States attorney for the Southern District of Texas filed a libel against 37 cases of canned crab meat at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 3, 1942, by the Skrmetta Seafood Co. from New Orleans, La.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Sea Treasure Brand * * * Vacuum Packed Claw Meat American Crab Meat Packed by Skrmetta Seafood Company New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

It was alleged to be misbranded in that the statement "Packed By Skrmetta Seafood Company New Orleans, La.," was false and misleading since the goods were packed by the Cutcher Canning Co., Westwego, La.

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5194. Adulteration of canned oysters. U. S. v. 31 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 9874. Sample No. 6098-F.)

Examination of this product showed the presence of decomposed oysters.

On April 27, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 31 cases, each containing 48 cans, of oysters at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 2, 1943, by the McPhillips Packing Co. from Bayou La Batre, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Broadcast Brand Oysters."

On May 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5195. Adulteration of raw headless shrimp. U. S. v. 4 Barrels of Raw Headless Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9792. Sample No. 8733-F.)

This product consisted of decomposed shrimp.

On April 14, 1943, the United States attorney for the District of Minnesota filed a libel against 4 barrels containing a total of 500 pounds of raw headless shrimp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 6, 1943, by Joe Grasso & Son from Galveston, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5196. Adulteration of raw headless shrimp. U. S. v. 2 Barrels of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9880. Sample No. 28829-F.)

On April 28, 1943, the United States attorney for the Northern District of Georgia filed a libel against 2 100-pound barrels of raw headless shrimp at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 7 and 8, 1943, by the Wallace M. Quinn Co. from Apalachicola, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5197. Adulteration of raw headless shrimp. U. S. v. 1 Barrel of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 9940. Sample No. 35128-F.)

On May 12, 1943, the United States attorney for the Northern District of Georgia filed a libel against 1 barrel containing 125 pounds of raw headless shrimp at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about May 4, 1943, by Reuther's Sea Food Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS, SPICES, AND SPICE INGREDIENTS

5198. Adulteration of chili pepper. U. S. v. 2 Barrels of Chili Pepper. Default decree of condemnation and destruction. (F. D. C. No. 9722. Sample No. 14641-F.)

On March 27, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 2 230-pound barrels of chili pepper at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 1, 1943, from Los Angeles, Calif., in a pool car for J. A. Knapp of Garden Grove, Calif.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hair fragments, and fragments resembling rodent hairs, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Pioneer's Challenge Brand Chili Pepper Mexican Type."

On April 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5199. Adulteration of chili pods. U. S. v. 20,100 Pounds of Dried Chili Pods. Consent decree of condemnation. Product ordered released under bond to be segregated and brought into conformity with the law. (F. D. C. No. 9090. Sample No. 14704-F.)

Examination of this product showed the presence of moldy peppers.

On December 29, 1942, the United States attorney for the Southern District of California filed a libel against 20,100 pounds of dried chili pods at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 17, 1942, by Sixto Duarte from Las Cruces, N. Mex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 12, 1943, the First National Bank of Las Cruces, N. Mex., and S. Duarte & Co., claimants, having admitted the allegations of the libel and

having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to S. Duarte & Co. to be segregated and brought into conformity with the law under the supervision of the Food and Drug Administration. On January 27, 1943, S. Duarte & Co. having sold, transferred, and assigned their interests in the product to Gonzales & Blanco, the latter firm was, by order of the court, substituted as claimant.

5200. Adulteration and misbranding of cinnamon. U. S. v. 52 Cases of Cinnamon. Default decree of condemnation and destruction. (F. D. C. No. 9909. Sample No. 11289-F.)

This product consisted of artificially flavored barley starch granules that had the odor of cinnamon.

On May 7, 1943, the United States attorney for the Northern District of California filed a libel against 52 cases, each containing 24 bottles, of cinnamon at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by the Chicago Food & Spice Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Cinnamon Artificially Flavored 1 Oz. Contains: Processed Cereal and Artificial Flavoring Material."

The article was alleged to be adulterated in that cinnamon had been in whole or in part omitted therefrom, and in that an artificially flavored cereal product had been substituted wholly or in part for "Cinnamon Artificially Flavored" which the article purported and was represented to be.

It was alleged to be misbranded (1) in that the name "Cinnamon" was false and misleading as applied to artificially flavored barley; (2) in that it was an imitation of another food, cinnamon, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Processed Cereal" is not the common or usual name of barley.

On July 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5201. Misbranding of horseradish. U. S. v. 48 Cartons of Horse Radish. Default decree of condemnation and destruction. (F. D. C. No. 10016. Sample No. 33786-F.)

This product contained sulfur dioxide, and its label did not state that fact.

On May 26, 1943, the United States attorney for the Northern District of Ohio filed a libel against 48 cases, each containing 12 bottles, of horseradish at Ashtabula, Ohio, alleging that the article had been shipped in interstate commerce on or about April 28, 1943, by the Taylor Packing Co. from Elmira, N. Y.; and charging that it was misbranded. The article was labeled in part: (Bottles) "Nippy 5 Oz. Avd. Prepared Horseradish * * * Distributed by Blair-Darnall Ashtabula, Ohio."

The article was alleged to be misbranded in that it contained a chemical preservative and failed to bear labeling stating that fact.

On August 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5202. Adulteration and misbranding of mustard. U. S. v. 12 Cases and 35 Cases of Mustard. Default decrees of condemnation and destruction. (F. D. C. Nos. 9499, 9502. Sample Nos. 31892-F, 31894-F, 31896-F.)

This product contained insect fragments and one lot also contained rodent hairs. Portions were short volume, and a portion was labeled "8 ozs" whereas the jars contained approximately 14½ ounces.

On March 7, 1943, the United States attorney for the Southern District of Ohio filed libels against 47 cases, each containing 24 jars, of mustard at Cincinnati, Ohio, consigned on or about September 28 and November 6, 1942, and February 5, 1943, alleging that the article had been shipped in interstate commerce by the Food Specialties, Inc., from Indianapolis, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "1 Pint Newton's Pure Mustard * * * Packed for Newton Mfg. Co. Cincinnati, Ohio," or "Ambassador Contents 1 Pint [or "8 ozs."] Horse-radish Style Mustard."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. A portion was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Portions of the article were alleged to be misbranded in that the statement "Contents 1 Pint" was false and misleading as applied to an article that was short volume. The remainder of the article was alleged to be misbranded in that the statement on the jars "Cont. 8 ozs." was false and misleading since it was a gross understatement. Both lots were alleged to be misbranded further in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5203. Adulteration of pumpkin seeds. U. S. v. 16 Bags of Pumpkin Seeds. Default decree of condemnation and destruction. (F. D. C. No. 10024. Sample Nos. 14357-F, 14358-F.)

This product was stored under insanitary conditions after shipment in interstate commerce, the plant of the consignee being badly over-run with rodents. Rodent pellets were found on at least half of the bags, and one bag appeared to have been chewed by rodents.

On May 26, 1943, the United States attorney for the Southern District of California filed a libel against 16 100-pound bags of pumpkin seeds at Los Angeles, Calif., in the possession of La Victoria Packing Co., alleging that the article had been shipped in interstate commerce on or about May 7, 1943, from El Paso, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, rodent pellets and rodent hairs, and in that had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT AND VEGETABLES*

CANNED FRUIT

5204. Misbranding of canned apricots. U. S. v. 499 Cases of Canned Apricots. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10026. Sample No. 11303-F.)

On May 27, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 499 cases, each containing 24 cans, of apricots at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 13, 1943, by Francis H. Leggett & Co. from Alameda, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Unpeeled Halves Apricots Sunbeam."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but its label failed to bear, as such regulations require, the name of the optional packing medium present, light sirup.

On July 1, 1943, Francis H. Leggett and Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5205. Misbranding of canned apricots. U. S. v. 499 Cases of Canned Apricots. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9879. Sample No. 11274-F.)

This product was packed in light sirup.

On May 3, 1943, the United States attorney for the Western District of Washington filed a libel against 499 cases, each containing 24 cans, of apricots at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 1, 1943, by the A. M. Beebe Co., Inc., from Alameda, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Kings Delight Halves Unpeeled Apricots In Medium Syrup * * * Kings County Packing Co. Ltd. Distributors, San Francisco Armona California." On some labels the statement "In Medium Syrup" had been obliterated.

The article was alleged to be misbranded in that the statement "In Medium Syrup" appearing on the labels of some of the cans was false and misleading as applied to canned apricots packed in light sirup, and in that the article pur-

* See also No. 5026.

ported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear, as such regulations require, the name of the optional packing medium present in such food, light sirup.

On May 24, 1943, the Standard Grocery Co. of Tacoma, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling in order to bring it into compliance with the law.

5206. Adulteration of canned blackberries. U. S. v. 185 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 9815. Sample No. 28942-F.)

On April 21, 1943, the United States attorney for the Northern District of Georgia filed a libel against 185 cases, each containing 6 No. 10 cans, of blackberries at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 8, 1943, by the Mount Airy Canning Co. from Mount Airy, N. C.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, larvae and insects, and a decomposed substance, moldy berries. The article was labeled in part: (Cans) "Carolina Beauty Blackberries."

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5207. Misbranding of canned peaches. U. S. v. 28 Cartons of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9949. Sample No. 45089-F.)

On May 20, 1943, the United States attorney for the Southern District of New York filed a libel against 28 cartons, each containing 24 cans, of peaches at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 27, 1943, by the Sebastiani Canning Co. from Grand Junction, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Co-Op Elberta Peaches * * * In Heavy Syrup * * * Packed For National Co-Operatives Inc. Chicago Illinois."

It was alleged to be misbranded in that the statements, "In Heavy Syrup" (main panel) and "Syrup . . . Heavy" (side panel), were false and misleading as applied to the article, since it was packed in light sirup.

On July 1, 1943, Eastern Cooperative Wholesale, Inc. of Brooklyn, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5208. Misbranding of canned peaches. U. S. v. 431 Cases of Canned Peaches. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9931. Sample No. 12562-F.)

On May 12, 1943, the United States attorney for the Western District of Washington filed a libel against 431 cases, each containing 24 cans, of peaches at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 5, 1943, by Ray Chatfield, from Turlock, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Golden State Halves Yellow Cling Peaches * * * Visalia Canning Co. Visalia, Calif. Mel-Williams Company San Francisco California Distributors."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but its label failed to bear, as such regulations require, the name of the optional packaging medium present in such food, light sirup.

On June 11, 1943, the Standard Grocery Co. of Tacoma, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5209. Misbranding of canned peaches. U. S. v. 26 Cases of Canned Peaches. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 9775. Sample No. 10971-F.)

On April 8, 1943, the United States attorney for the Southern District of Ohio filed a libel against 26 cases, each containing 72 cans, of sliced peaches at Cincinnati, Ohio, which had been consigned on or about March 16, 1943, alleging that the article had been shipped in interstate commerce by Stokeley Brothers

& Co. from Oakland, Calif., and charging that it was misbranded. The article was labeled in part: (Can) "Exquisite Sliced Yellow Cling Peaches * * * Distributed By Santa Cruz Fruit Packing Company * * * Oakland, California."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and its label failed to bear, as such regulations require, the name of the optional packing medium present in the food, light sirup.

On May 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

5210. Misbranding of canned pears and canned peaches. U. S. v. 130 Cases of Canned Pears and 168 Cases of Canned Peaches. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 9748, 9749. Sample Nos. 11240-F, 11261-F.)

On April 6, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 130 cases of canned pears and 168 cases of canned peaches at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about March 15, 1943, by the Safeway Stores, Inc., from Oakland, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Highway Brand Sliced Yellow Cling Peaches In Syrup [or "Harper House Halves Bartlett Pears"] * * * Distributed by Table Products Company, Oakland, California."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and its label failed to bear the name of the optional packing mediums present in such food, heavy sirup in the case of the canned pears, and light sirup in the case of the canned peaches.

On May 13, 1943, Safeway Stores, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5211. Adulteration of canned prune plums. U. S. v. 72 Cases of Canned Prune Plums. Default decree of condemnation and destruction. (F. D. C. No. 9755. Sample 30940-F.)

This product was affected with brown rot.

On April 6, 1943, the United States attorney for the Western District of Washington filed a libel against 72 cases of canned prune plums at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 16, 1943, by the Starr Fruit Products Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Real Brand Whole Unpeeled Purple Prune Plums in Syrup * * * Packed By Portland Canning Company, Inc. Portland, Oregon."

On August 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUIT

5212. Adulteration of dates. U. S. v. 50 Boxes of Dates. Default decree of condemnation and destruction. (F. D. C. No. 9802. Sample No. 14779-F.)

On April 14, 1943, the United States attorney for the Eastern District of Wisconsin filed a libel against 50 boxes of dates at Sheboygan, Wis., alleging that the article had been shipped in interstate commerce on or about April 5, 1943, by the Covalda Date Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, insects, larvae, insect excreta, and rodent hairs.

On May 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5213. Adulteration of dried peaches. U. S. v. 30 Boxes of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 10001. Sample No. 19328-F.)

On May 12, 1943, the United States attorney for the District of Massachusetts filed a libel against 30 25-pound boxes of dried peaches at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 1, 1942, by Guggenheimer & Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, coal dust.

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5214. Adulteration of prunes. U. S. v. 33 Boxes of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 10036. Sample Nos. 14453-F, 14454-F.)

On June 14, 1943, the United States attorney for the District of Arizona filed a libel against 33 boxes of prunes at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 28, 1942, by Guggenlime & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, larval excreta, webbing, and tunneling. The article was labeled in part: "Daphne Brand California * * * Prunes."

On August 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5215. Adulteration of seedless raisins. U. S. v. 67 Cases of Seedless Raisins. Default decree of condemnation and destruction. (F. D. C. No. 9988. Sample No. 31039-F.)

On June 14, 1943, the United States attorney for the Western District of Washington filed a libel against 67 25-pound cases of seedless raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 24, 1942, by the Lion Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, beetles, insect excreta, webbing, and pupa cases. The article was labeled in part: "California Raisins * * * Lion Brand Midget California Natural Thompson Seedless Raisins."

On July 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUITS

5216. Adulteration of apple pomace. U. S. v. 1,300 Bags of Apple Pomace. Consent decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 9744. Sample No. 36981-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce and, when examined, many of the bags had been torn and the product was contaminated with rodent pellets, rodent hairs, and insect fragments.

On April 1, 1943, the United States attorney for the District of Maryland filed a libel against 1,300 100-pound bags of apple pomace at Baltimore, Md., in the possession of the S. J. Van Lill Co., of Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 29 to December 1, 1942, from Orrtanna, Pa., Mt. Jackson, Va., and Peach Glen, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On May 14, 1943, the S. J. Van Lill Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The fit portion was segregated and released and the remainder was denatured.

5217. Misbranding of candied fruit. U. S. v. 783 Baskets of Candied Fruit. Default decree of condemnation. Product ordered distributed to welfare organizations. (F. D. C. No. 9857. Sample Nos. 37178-F to 37180-F, incl.)

On April 22, 1943, the United States attorney for the District of Columbia filed a libel against 783 baskets of candied fruit at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 19 to 26, 1943, by the Seminole Fruit & Preserving Co., Inc., from Miami, Fla.; and charging that it was misbranded. The article was labeled in part: "Cobbs Pure Tropical Fruit Delicacies * * * Net Wt. 1 Lb. [or "8 oz."]."

The article was alleged to be misbranded (1) in that the statements "Net Wt. 1 Lb." or "Net Wt. 8 oz." were false and misleading as applied to articles that were short of the declared weights; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. Two of the lots were alleged to be misbranded further in that their

containers were so filled as to be misleading, since in one of the lots the bottom layer was not full and contained candied fruit of inferior quality when compared with the top layer, and, in the other lot, more than half the volume of the basket was occupied by paper.

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to welfare organizations.

5218. Misbranding of glace fruits. U. S. v. 68 Boxes of Glace Fruits. Default decree of condemnation and destruction. (F. D. C. No. 9998. Sample No. 3376-F.)

On May 25, 1943, the United States attorney for the Western District of Missouri filed a libel against 68 boxes of glace fruits at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by Grace A. Rush, Inc., from Cincinnati, Ohio; and charging that it was misbranded. The article was labeled in part: "Martha Ann Glace Fruits."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading since the double wall and false bottom occupied two-thirds of the volume of the box.

On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5219. Adulteration of cold pack strawberries. U. S. v. 48 Barrels of Cold Pack Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 9745. Sample No. 32487-F.)

On April 9, 1943, the United States attorney for the Northern District of Ohio filed a libel against 48 barrels of cold pack strawberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by the Cloverdale Co-operative Berry Association from Kalama, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, moldy berries.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

5220. Misbranding of canned whole beets. U. S. v. 653 Cases of Canned Whole Beets. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9794. Sample No. 8000-F.)

On April 14, 1943, the United States attorney for the District of Minnesota filed a libel against 653 cases, each containing 24 cans, of whole beets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 25, 1943, by the Fuhremann Canning Co. from Appleton, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Home Brand Small Whole Beets * * * Distributed by Griggs, Cooper & Co. St. Paul, Minn. * * * No. of Beets Approx. 12 to 15."

The article was alleged to be misbranded in that the following statements "Small Whole Beets * * * No. of Beets Approx. 12 to 15" were false and misleading since the beets were not small, and less than 12 beets were present in the container.

On June 1, 1943, Griggs, Cooper & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5221. Adulteration of canned cut okra. U. S. v. 295 Cases of Canned Cut Okra. Default decree of condemnation and destruction. (F. D. C. No. 9933. Sample No. 30985-F.)

Examination showed this product to be sour and decomposed.

On May 14, 1943, the United States attorney for the Western District of Washington filed a libel against 295 cases, each containing 24 cans, of cut okra at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 28, 1943, by Encinal Terminal, from Alameda, Calif., and that it was invoiced by the A. M. Beebe Company, Inc., of San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5222. Misbranding of canned peas. U. S. v. 398 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9779. Sample No. 736-F.)

On April 12, 1943, the United States attorney for the Northern District of Illinois filed a libel against 398 cases, each containing 24 cans, of peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 21, 1943, by the Lakeside Packing Co., from Sheboygan, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Waverly Brand Early Peas." The article was alleged to be misbranded in that it purported to be canned peas, a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below the standard since it was a smooth skin variety of peas and the alcohol-insoluble solids were more than 23.5 percent, the maximum permitted by the standard; and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 5, 1943, the Lakeside Packing Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5223. Misbranding of canned peas. U. S. v. 400 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9700. Sample No. 36968-F.)

One code of this product was of a sweet variety and not early June peas as labeled, and the remaining codes were substandard.

On March 26, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 400 cases, each containing 24 cans, of peas at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about February 19, 1943, by F. O. Mitchell & Bro. from Perryman, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Winner Brand Early June Peas Contents 1 lb. 4 Oz. * * * Packed for Royal Club Grocers, Inc., Richmond, Va."

A portion of the article was alleged to be misbranded in that the statement "Early June Peas," appearing on the label, was false and misleading as applied to peas of a sweet variety.

The remainder was alleged to be misbranded in that it purported to be and was represented as food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard since it was a smooth skin variety of peas and the alcohol-insoluble solids in the container were more than 23.5 percent, the maximum permitted by the regulations; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 12, 1943, Parker Mitchell, trading as F. O. Mitchell & Bro., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5224. Misbranding of red peppers. U. S. v. 13 Cases of Red Peppers. Default decree of condemnation. Product ordered delivered to welfare organization. (F. D. C. No. 9881. Sample No. 44304-F.)

A portion of the jars, about half, bore no quantity of contents statement; the remainder were labeled "2½ Oz. Net." The average weight of the contents of the jars was 1.11 ounces.

On or about May 6, 1943, the United States attorney for the District of New Jersey filed a libel against 13 cases of red peppers at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 21, 1943, by Randall Wine Vinegar, Inc., from Bronx, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Eldeen Brand Crushed Red Peppers Packed By Eldeen Spice Co. New York."

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (2) in that the statement "2½ Oz. Net," borne on some of the jars, was false and misleading as applied to an article that was short-weight.

On June 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

5225. Misbranding of canned pimientos. U. S. v. 55 Cases of Canned Pimientos. Default decree of condemnation and destruction. (F. D. C. No. 9843. Sample No. 9115-F.)

This product was short-weight. The average net weight found was 6.76 ounces, a shortage of 3.4 percent. The lowest net weight found was 4.83 ounces.

On April 21, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 55 cases, each containing 24 cans, of pimientos at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 24, 1943, by the Dorgan Packing Corporation from Columbia, Miss.; and charging that it was misbranded. The article was labeled in part: (Cans) "Gulf Kist Brand Contents 7 Ozs. Avoir. Whole Pimientos."

The article was alleged to be misbranded in that the statement "Contents 7 Ozs. Avoir." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5226. Adulteration of sauerkraut. U. S. v. 210 Cases, 587 Cases, and 213 Cases of Sauerkraut. Decree of condemnation. Portion of product ordered distributed to charitable institutions. Remainder ordered released under bond for relabeling. (F. D. C. Nos. 9729, 9924. Sample Nos. 14339-F, 31138-F, 31139-F.)

On March 30 and May 13, 1943, the United States attorneys for the Southern District of California and the District of Oregon filed libels against 210 cases of sauerkraut at Los Angeles, Calif., and 800 cases of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 9 and 27, 1943, by the Mayfair Food Products Co. from Chicago, Ill.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported to be. The article was labeled in part: (Jars) "Mayfair Set Sauer Kraut."

On May 3, 1943, no claimant having appeared for the product located at Los Angeles, Calif., judgment of condemnation was entered and it was ordered distributed to charitable institutions. On July 8, 1943, Fred Meyer, Inc., of Portland, Oreg., having appeared as claimant for the product located there and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5227. Adulteration of sauerkraut. U. S. v. 554 Cases and 686 Cases of Sauerkraut. Decrees of condemnation. One lot ordered released under bond for relabeling and reconditioning. Remaining lot ordered destroyed. (F. D. C. Nos. 9708, 10112. Sample Nos. 1389-F, 31052-F.)

On March 26 and June 26, 1943, the United States attorneys for the Western District of Michigan and the Western District of Washington filed libels against 554 cases of sauerkraut at Grand Rapids, Mich., and 686 cases of sauerkraut at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 4 and April 2, 1943, by the Chicago Pickle Co., Inc., from Chicago, Ill.; and charging that it was adulterated. The article was labeled in part: "Chipico Famous for its Flavor Home Made Style Sauer Kraut."

The lot located at Grand Rapids, Mich., was alleged to be adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported to be. The lot located at Seattle, Wash., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, and in that brine and vinegar had been substituted wholly or in part for sauerkraut, which the article purported and was represented to be.

On May 24, 1943, the Chicago Pickle Co., Inc., having appeared as claimant for the lot located at Grand Rapids, Mich., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. On July 28, 1943, no claimant having appeared for the lot located at Seattle, Wash., judgment of condemnation was entered and the product was ordered destroyed.

5228. Adulteration of sauerkraut. U. S. v. 208 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 9828. Sample No. 31133-F.)

This product contained an excessive amount of brine. The liquid was not kraut juice, but was largely salt water.

On April 19, 1943, the United States attorney for the District of Oregon filed a libel against 208 cases, each containing 12 jars, of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 10, 1943, by the Berger Foods Co., from St. Louis, Mo.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut. The article was labeled in part: (Jars) "Cardinal Brand Fancy Sauerkraut."

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5229. Adulteration of canned spinach. U. S. v. 168 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 9825. Sample No. 37959-F.)

On April 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 168 cases of canned spinach at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 23, 1943, by the Russellville Canning Co. from Russellville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5230. Adulteration of canned spinach. U. S. v. 1,828 Cases of Canned Spinach. Portion of product condemned and ordered destroyed. Remainder ordered released to claimant. (F. D. C. No. 9046. Sample No. 28920-F.)

On December 19, 1942, the United States attorney for the Northern District of Georgia filed a libel against 1,828 cases of canned spinach at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 17 and 19, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, larvae. The article was labeled in part: (Cans) "McGrath's Champion Brand Spinach."

On June 17, 1943, the H. J. McGrath Co., having appeared as claimant, judgment of condemnation was entered with respect to two of the lots bearing certain code numbers and they were ordered destroyed. The third lot, bearing a different code number, was ordered released after segregation by the claimant and inspection and approval by the Food and Drug Administration.

5231. Adulteration of canned turnip greens. U. S. v. Wallace C. Bohannon (W. C. Bohannon Canning Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 9640. Sample No. 9630-F.)

On June 1, 1943, the United States attorney for the Southern District of Texas filed an information against Wallace C. Bohannon, trading under the firm name, W. C. Bohannon Canning Co., at Mission, Tex., alleging shipment on or about November 24, 1942, from the State of Texas into the State of Alabama of a quantity of canned turnip greens that were adulterated in that they consisted in whole or in part of filthy substances, insects and insect larvae. The article was labeled in part: "Valley Rose Brand * * * Turnip Greens."

On June 26, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250.

MISCELLANEOUS VEGETABLE PRODUCTS

5232. Adulteration of dried mushrooms. U. S. v. 15 Cases, 25 Cases, and 5 Cartons of Dried Mushrooms. Decrees of condemnation. Portion of product ordered released under bond for removal of all objectionable matter; remainder ordered destroyed. (F. D. C. Nos. 9741, 10015. Sample Nos. 15142-F, 44206-F, 44207-F.)

On April 2 and May 24, 1943, the United States attorneys for the Eastern District of New York and the Southern District of California filed libels against 15 cases and 5 cartons of dried mushrooms at Ozone Park, N. Y., and 25 cases of dried mushrooms at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 9, 1942, to April 29, 1943, by Sokol & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, 40 cases showing contamination by insects and rodents, and 5 cartons showing insect contamination. The article was labeled in part: "Shield Brand [or "Solo Fancy"] Dried Mushrooms. * * * Solo Products Co., Chicago."

On June 26, 1943, no claimant having appeared for the lot at Los Angeles, Calif., judgment of condemnation was entered and the product was ordered

destroyed. On August 23, 1943, Sokol & Co., claimant for the lots located at Ozone Park, N. Y., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating the fit portion from the unfit portion and destroying the latter, or sifting, air-blowing, or otherwise treating it so as to remove all objectionable matter, under the supervision of the Food and Drug Administration.

5233. Adulteration of vegetable cocktail. U. S. v. 12 Cases of Vegetable Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 9944. Sample No. 13307-F.)

Examination showed this product to be undergoing chemical decomposition.

On May 17, 1943, the United States attorney for the District of Montana filed a libel against 12 cases, each containing 12 cans, of vegetable cocktail at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about June 5, 1941, by the Modern Marketing Service from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Here's Health Brand Vegetable Cocktail * * *. Packed by Barron-Gray Packing Co., San Jose, Calif."

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5234. Misbranding of vegetable relish. U. S. v. 398 Cases of Vegetable Relish. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 9810. Sample No. 28487-F.)

This product was short of the declared weight and volume.

On April 17, 1943, the United States attorney for the Western District of South Carolina filed a libel against 398 cases, each containing 12 jars, of vegetable relish at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by Helwig & Leitch, Inc., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Jars) "Lord Baltimore Contents 1 Quart Vegetable Relish A Chow Chow Packed By Tidewater Pickle Co. West Point, Va." Some of the labels had "1½ Lb." stamped under "1 Quart."

The article was alleged to be misbranded in that the statements "Contents 1 Quart" and "1½ Lb." were false and misleading as applied to an article that was short-volume and short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 10, 1943, Helwig & Leitch, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refilling or relabeling under the supervision of the Food and Drug Administration. The product was relabeled "1¼ Lbs. Net Weight."

TOMATOES AND TOMATO PRODUCTS

5235. Misbranding of canned tomatoes. U. S. v. 560 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9842. Sample Nos. 30978-F, 30980-F.)

On May 1, 1943, the United States attorney for the Western District of Washington filed a libel against 560 cases, each containing 6 No. 10 cans, of tomatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 24, 1943, by Ensher, Alexander & Barsoom, Inc., from Isleton, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Zuyder Zee Tomatoes."

The article was alleged to be misbranded (1) in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law and its quality fell below such standard since the drained weight of the contents of the container, as determined by the method prescribed in the standard, was less than the drained weight required by the standard; and (2) its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 21, 1943, the American Wholesale Grocery Co. of Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5236. Adulteration of tomato juice. U. S. v. Harry C. Gilbert. Plea of guilty. Fine, \$200. (F. D. C. No. 7261. Sample No. 90283-F.)

This product contained mold, indicating the presence of decomposed material.

On June 22, 1942, the United States attorney for the Western District of New York filed an information against Harry C. Gilbert, president on the date of the shipment herein referred to, of Gilbert Foods Corporation, Webster, N. Y., alleging shipment on or about December 8, 1941, from the State of New York into the State of Massachusetts of a quantity of tomato juice that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sweet Life Tomato Juice * * * Distributed By Sweet Life Food Corp. Brooklyn, N. Y."

On November 16, 1943, the defendant entered a plea of guilty, and on February 7, 1944, the court imposed a fine of \$200.

5237. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 9830. Sample No. 33623-F.)

Examination showed this product to be undergoing chemical decomposition.

On April 19, 1943, the United States attorney for the Western District of New York filed a libel against 10 cases, each containing 24 cans, of tomato paste at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12, 1942, by R. Gerber & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Liberty Bell Brand * * * Concentrated Tomato Paste."

On May 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5238. Adulteration of tomato puree. U. S. v. Perry Canning Company. Plea of guilty. Fine, \$600. (F. D. C. No. 7695. Sample Nos. 65990-E, 65997-E, 65999-E.)

This product contained mold, indicating the presence of decomposed material.

On March 27, 1943, the grand jurors of the United States in and for the District of Utah returned an indictment against the Perry Canning Company, a corporation, at Perry, Utah, charging shipment on or about September 27 and December 6, 1941, from the State of Utah into the State of Colorado of a quantity of tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: "Dreher's Tomato Puree * * * Packed For The Dreher Pickle Co. Denver, Colorado" or "Gateway Brand Tomato Puree. * * * The Perry Canning Co." The remainder of the article was unlabeled.

On April 28, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 on each of the 3 counts, a total of \$600.

5239. Adulteration of tomato puree. U. S. v. 187 Cases of Tomato Puree (175 cases reshipped and relabeled). Default decree of condemnation. Portion of product ordered destroyed. Remainder ordered destroyed or fed to animals. (F. D. C. Nos. 9893, 9925. Sample No. 15794-F.)

Examination of this product showed that it contained mold, indicating the presence of decomposed material.

On May 12, 1943, the United States attorney for the District of Idaho filed a libel against 187 cases of tomato puree at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about January 22, 1943, by Zion's Wholesale Grocery from Ogden, Utah. On May 20, 1943, 175 cases having been reshipped to Ogden, Utah, the United States attorney for the District of Utah filed a libel against the product so reshipped, alleging shipment on or about April 16, 1943, by Zion's Wholesale Grocery from Pocatello, Idaho. The article was labeled in part: "Smith Brand Tomato Puree * * * Packed By Smith Canning Co. Clearfield, Utah."

Both libels charged adulteration in that the article consisted in whole or in part of a filthy and decomposed substance.

On April 16 and June 30, 1943, no claimant having appeared for the product, judgments of condemnation were entered and portion remaining at Pocatello, Idaho, was ordered destroyed and the portion located at Ogden, Utah, was ordered fed to animals, under the supervision of the United States marshal, or destroyed.

5240. Adulteration of tomato puree. U. S. v. 70 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 9936. Sample No. 38137-F.)

On May 14, 1943, the United States attorney for the Northern District of Illinois filed a libel against 70 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 30, 1942, by the Paulding Packing Co. from Paulding, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, as evidenced by mold.

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5241. Misbranding of tomato puree. U. S. v. 150 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9950. Sample No. 36070-F.)

This product was short-weight.

On May 31, 1943, the United States attorney for the District of Wyoming filed a libel against 150 cases, each containing 6 No. 10 cans, of tomato puree at Casper, Wyo., alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by the Colorado Marketing Company from Denver, Colo.; and charging that it was misbranded. The article was labeled in part: (Cans) "Colo. Flavor Tomato Puree * * * Net Contents 7 Lbs. 2 Oz. Packed by The Colorado Growers Co-Operative Palisade Colorado."

The article was alleged to be misbranded in that the statement: "Net Contents 7 Lbs. 2 Oz." appearing on the labeling was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 14, 1943, the Colorado Marketing Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

MEAT AND POULTRY

5242. Misbranding of horse meat. U. S. v. Max Dubin (alias John Doe). Plea of guilty. Fine, \$250 and costs on each of counts 1 and 2; defendant placed on probation for 2 years on count 3. (F. D. C. No. 9628. Sample Nos. 19203-F, 19912-F.)

On May 11, 1943, the United States attorney for the District of Rhode Island filed an information against Max Dubin, alias John Doe, at Providence, R. I., alleging that within the period from on or about November 30 to December 17, 1942, the defendant shipped, from the State of Massachusetts into the State of Rhode Island, a quantity of horse meat, and that when so shipped the article was labeled in part: (Carton) "Hill Packing Company, Topeka, Kansas, U. S. A. Established in 1907 Net Weight 25 Pounds CHUNK HORSE MEAT Frozen S. 3 B. U. S. Inspected and passed by Department of Agriculture Est. E-83."

The information alleged further that thereafter, and while the said horse meat was held for sale after shipment in interstate commerce, the defendant removed and caused to be removed all the printed or graphic matter borne on the said cartons with the exception of the statement "U. S. Inspected and passed by Department of Agriculture Est. E-83"; and that the acts of the defendant of removing and causing a part of the labels to be removed from the cartons resulted in the article being misbranded in the following respects: (1) In that it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. (2) In that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. And (3) in that its label failed to bear the common or usual name of the food, horse meat.

On May 25, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250 on each of counts 1 and 2, and placed the defendant on probation for 2 years on count 3.

5243. Adulteration of dressed poultry. U. S. v. 135 Crates of Dressed Poultry. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9820. Sample No. 20517-F.)

On April 17, 1943, the United States attorney for the District of Massachusetts filed a libel against 135 crates of dressed poultry at Boston, Mass., alleging that

the article had been shipped in interstate commerce on or about April 15, 1943, by the New England Dressed Poultry Co., from Yarmouth, Maine; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The dressed poultry was contaminated both internally and externally with fecal matter, and with pieces of intestines containing fecal matter.

On April 23, 1943, the New England Dressed Poultry Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5244. Adulteration of dressed turkeys. U. S. v. Jess L. Lunsford (J. L. Lunsford). Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 5559. Sample Nos. 2340-F, 2343-F.)

On April 26, 1943, the United States attorney for the District of Kansas filed an information against Jess L. Lunsford, trading as J. L. Lunsford, Winfield, Kans., alleging shipment on or about November 10 and 13, 1942, from the State of Kansas into the State of Illinois of quantities of dressed turkeys which were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food by reason of the presence of dressed turkeys having a sticky and slimy exterior, decomposed viscera, and green vent. The food was alleged to be further adulterated in that it was in whole or in part the product of diseased animals, and of animals that had died otherwise than by slaughter.

On September 20, 1943, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

NUTS

5245. Adulteration of shelled almonds. U. S. v. 6 Bags of Shelled Almonds. Default decree of condemnation and destruction. (F. D. C. No. 9861. Sample No. 3270-F.)

This product was stored under insanitary conditions after shipment interstate commerce and when examined rodent pellets and rodent urine stains were found on the bags, and samples of the nuts were found to contain rodent hair fragments.

On or about April 29, 1943, the United States attorney for the Western District of Missouri filed a libel against 6 160-pound bags of almonds at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 20, 1941, by the Loose-Wiles Biscuit Co. from Minneapolis, Minn., and that it was in possession of the shipper; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "California Shelled Almonds Blue Diamond Brand," or "Fisher's Brand California Texas Sheller * * * Almonds."

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5246. Adulteration of cashew kernels. U. S. v. 16 Tins, 5 Cans, and 1 Drum of Cashew Kernels. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9789. Sample Nos. 20084-F, 20085-F.)

On April 12, 1943, the United States attorney for the District of Massachusetts filed a libel against 16 tins and 5 cans, each containing 25 pounds, of cashew kernels, and 1 fiber drum containing 250 pounds of cashew kernels, at Cambridge, Mass., alleging that the article had been shipped in interstate commerce on or about February 4 and March 11, 1943, by Bridgetts & Co., Inc., from New York City, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils, larvae, insect excreta, and webbing.

On May 4, 1943, the Fanny Farmer Candy Shops, Inc., of New York, N. Y., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5247. Adulteration of shelled pecans. U. S. v. 2 Cartons of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 9740. Sample No. 38303-F.)

On April 3, 1943, the United States attorney for the Northern District of Illinois filed a libel against 2 30-pound cartons of shelled pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 8, 1943, by the Southern Edible Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, *Esch. coli* and rodent hairs.

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5248. Adulteration of black walnut kernels. U. S. v. 10 Cartons of Black Walnut Kernels. Consent decree of condemnation and destruction. (F. D. C. No. 9814. Sample No. 43965-F.)

Inspection of the plant where this product was prepared showed the existence of insanitary conditions. Examination of the product showed the presence of *Esch. coli*, insect fragments, and hairs resembling rodent hairs.

On April 22, 1943, the United States attorney for the District of Kansas filed a libel against 10 35-pound cartons of black walnut kernels at Mission, Kans., alleging that the article had been shipped in interstate commerce on or about March 15, 1943, by the R. J. Muntzel Pecan Co., from Kansas City, Mo., to the place of business of the shipper at Mission, Kans.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. It was labeled in part: "Black Walnut Kernels, C. L. May, Bolivar, Mo."

On April 23, 1943, the R. J. Muntzel Pecan Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5249. Adulteration of walnut kernels. U. S. v. 60 Cases of Walnut Kernels. Default decree of condemnation and destruction. (F. D. C. No. 9790. Sample No. 38337-F.)

On April 13, 1943, the United States attorney for the Eastern District of Wisconsin filed a libel against 60 cases, each containing 35 pounds, of walnut kernels at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 22 and 23, 1943, by Block Brothers from Nashville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, *Esch. coli*, an organism which indicates pollution of fecal origin. The article was labeled in part: "'Tennessee Belle' Brand Black Walnut Kernels."

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5250. Adulteration of walnut meats. U. S. v. 70 Cartons and 8 Cartons of Walnut Meats. One lot ordered released under bond for segregation and destruction of the unfit portion; remaining lot condemned and ordered destroyed. (F. D. C. Nos. 9721, 9848, 9849. Sample Nos. 30771-F, 30772-F, 30965-F.)

Examination showed that one of the lots was in part wormy and moldy, and the remaining lot was insect-damaged and contained insect excreta and webbing.

On March 31 and April 28, 1943, the United States attorneys for the Eastern and the Western Districts of Washington filed libels against 70 cartons of walnut meats at Cashmere, Wash., and 8 cartons of walnut meats at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about December 29, 1941, and October 26, 1942, by the Pacific Coast Nut House from San Jose, Calif.; and charging that they were adulterated in that they consisted wholly or in part of a filthy and decomposed substance.

On May 26, 1943, the Liberty Orchards Co. of Cashmere, Wash., having appeared as claimant for the lot located there and having admitted the allegations of the libel, an order was entered releasing the product under bond for segregation of the fit portion from the unfit portion and destruction of the latter, under the supervision of the Food and Drug Administration. On July 13, 1943, no claimant having appeared for the lot located at Seattle, Wash., judgment of condemnation was entered and the product was ordered destroyed.

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

5251-5400

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 6, 1944.

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BEVERAGES AND BEVERAGE MATERIALS

5251. Misbranding of beverage preparation. U. S. v. 17 Bags of an article labeled "Beverage Preparation" and 50 Bags of the same product labeled "Tev-ite." Default decree of condemnation and destruction. (F. D. C. No. 10217. Sample No. 8141-F.)

Examination showed this product consisted of dried grass with added phosphate.

On July 9, 1943, the United States attorney for the District of Minnesota filed a libel against the above-described product at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about June 1, 1943, by the Cerophyl Laboratories, Inc., of Kansas City, Mo., from Lawrence, Kans.; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that its label failed to bear the common or usual name of the food; and (3) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

On August 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5252. Adulteration and misbranding of coffee. U. S. v. The DeWitt-Nash Company. Plea of guilty. Fine, \$200. (F. D. C. No. 10549. Sample No. 38354-F.)

On September 11, 1943, the United States attorney for the Northern District of Ohio filed an information against the DeWitt-Nash Company, a corporation, at Cleveland, Ohio, alleging shipment on or about March 1, 1943, from the State of Ohio into the State of Illinois of a quantity of coffee that was adulterated and misbranded. The article was labeled in part: "EXTRA CAFE COFFEE."

The article was alleged to be adulterated in that a mixture of coffee and chicory had been substituted in whole or in part for coffee, which the article was represented to be. It was alleged to be misbranded in that the statement "Coffee," displayed upon the bags, was false and misleading in that the statement represented that the article consisted solely of coffee, whereas it did not consist solely of coffee, but consisted of a mixture of coffee and chicory.

On October 21, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

2553. Misbranding of coffee mix. U. S. v. 49¾ cases of Sarban Mix Coffee Blender. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10054. Sample No. 48066-F.)

Examination showed this product to consist of roasted barley and a small amount of chicory.

On June 5, 1943, the United States attorney for the Southern District of Ohio filed a libel against 49¾ cases of an article labeled in part "Sarban Mix Coffee Blender," at Cincinnati, Ohio, which had been consigned on or about March 19, 1943, alleging that the article had been shipped in interstate commerce by the Coffee Corporation of America from Chicago, Ill.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement, "Increases Your Coffee Cuppage," appearing on the package of the article, and the statement, "Coffee Blender," appearing on both the case and package, were misleading as applied to a product consisting of roasted barley and chicory, containing no coffee. It was alleged to be misbranded further in that the following statements appearing on the labeling, (main panels of package) "Now Enriched with Vitamin B₁" and "Why Vitamin B₁ is important to you . . . Vitamin B₁ * * * is vital to everyone's well-being. It is needed for abundant energy, good appetite, sound steady nerves. * * * and more is desirable to maintain good physical condition. * * * Yet the daily diet in millions of homes does not permit enough Vitamin B₁ because many foods do not contain a sufficient supply of this vital food factor. So, to help you get your needed daily supply, the amount of Vitamin B₁ in this coffee blender has been greatly enriched * * *," were misleading, since they represented and suggested that the article, when blended with coffee in accordance with the directions on the label and used as a beverage in the amounts daily consumed by the average coffee drinker, would supply a substantial proportion of the minimum daily requirement of vitamin B₁, whereas, the article, when so used and consumed, would furnish only a small proportion of the minimum daily requirement of vitamin B₁. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ content, and its label failed to bear such information concerning its vitamin property as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamin B₁ contained in a specified quantity of the article which is customarily or usually consumed during a period of 1 day.

On July 22, 1943, the Coffee Corporation of America having appeared as claimant and having admitted the allegation of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformity with the law under the supervision of the Food and Drug Administration.

5254. Misbranding of coffee stretcher. U. S. v. 26 Cases of Coffee Stretcher. Default decree of condemnation and destruction. (F. D. C. No. 10167. Sample No. 8067-F.)

On June 30, 1943, the United States attorney for the District of Minnesota filed a libel against 26 cases of coffee stretcher at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 4, 1943, by the National Tea Co. from Chicago, Ill.; and charging that it was misbranded. The

article was labeled in part: (Bags) "25% Coffee Stretcher Roasted Mexican Garbanzos." The article was alleged to be misbranded (1) in that the statement "25% Coffee Stretcher" was misleading since it implied that the article consisted of 25 percent coffee, whereas it did not; (2) in that the statement "Coffee Stretcher," was misleading, since the article had none of the properties of coffee; and (3) in that its label failed to bear the common or usual name of the food, chick peas or garbanzo beans.

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5255. Adulteration and misbranding of coffee substitute. U. S. v. 49 Cases of Coffee Substitute. Default decree of condemnation and destruction. (F. D. C. No. 10225. Sample No. 34108-F.)

On July 13, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 49 cases, each containing 24 packages, of a coffee substitute at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by J. B. Robinson from Cleveland, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Packages) "Drink CoVee Prepare—The same as coffee Contains Pure Health Cereals * * * Contains No Caffeine COMPOUND Made from Fresh Roasted Soy Beans-Cereals and Chicory for Flavor," (display posters) "Enjoy Fresh Roasted Victory CoVee * * *," and "Nothing Better Than A Good Cup of CoVee The Original, and finest coffee substitute."

The article was alleged to be adulterated in that a mixture of roasted ground soy beans, roasted barley, and roasted malted barley have been substituted for roasted soy beans, cereals, and chicory, which the article purported and was represented to be.

It was alleged to be misbranded (1) in that the name "CoVee" on the package and the statements on the display poster, "Victory CoVee," "Nothing better than a good cup of CoVee The Original, and finest coffee substitute," were false and misleading as applied to a mixture of roasted ground soy beans, roasted barley, and roasted malted barley, which has none of the characteristics of the stimulating effect of coffee; and (2) in that the statement "Chicory for Flavor" was false and misleading since the article contained no chicory. It was alleged to be misbranded further (1) in that the statement on the packages and on one of the posters, "Contains Pure Health Cereals," was misleading since it would indicate that these particular cereals were necessary for maintenance of health; and (2) in that the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since "Cereal" is not the common or usual name of barley.

On September 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5256. Misbranding of coffee substitute. U. S. v. 25 Cases of Coffee Substitute. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10077. Sample No. 42275-F.)

Examination showed this product to be a mixture of ground roasted rye and 5 to 10 percent chicory. It contained no coffee.

On June 8, 1943, the United States attorney for the Middle District of Tennessee filed a libel against 25 cases of coffee substitute at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about April 12, 1943, by M. Livingston & Co., Inc., from Paducah, Ky.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement on the label, "A wonderful substitute for coffee," was false and misleading since it had none of the characteristics of coffee. It was alleged to be misbranded further in that the statements on the label, "High Grade Coffee Freshly Roasted" and "Where there's life—there's coffee! To make good coffee use enough—a heaping tablespoonful for each cup," were false and misleading as applied to a mixture of ground roasted rye and chicory. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since "Cereals" is not the common or usual name for roasted rye.

On July 8, 1943, M. Livingston & Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

5257. Adulteration and misbranding of egg noodles. U. S. v. 50 Cases of Egg Noodles. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 8987. Sample No. 18749-F.)

On December 11, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 cases of egg noodles at Maspeth, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19 and November 14, 1942, by the Prince Macaroni Co. from Lowell, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bag) "Prince * * * Pure Egg Noodles Contains * * * 5½% of Solid Egg Yolk."

The article was alleged to be adulterated (1) in that a valuable constituent, egg, had been in whole or in part omitted therefrom; (2) in that artificially colored noodles deficient in egg solids had been substituted wholly or in part for egg noodles, which it was represented to be; (3) in that inferiority had been concealed by the addition of artificial color; (4) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (5) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The article was alleged to be misbranded in that the statements "Pure Egg Noodles" and "Contains * * * 5½% of Solid Egg Yolk" were false and misleading as applied to an article deficient in egg solids, and in that it was offered for sale under the name of another food, egg noodles.

On September 4, 1943, the time to answer having expired and the claimant having failed to file such answer, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 5258 to 5263 report actions involving alimentary pastes that had become contaminated with one or more types of filth, such as rodent hairs and hair fragments, hairs resembling rodent hairs, beetles, insect fragments, and larvae.

5258. Adulteration of egg noodles and macaroni products. U. S. v. 100 Cases of Egg Noodles (and 1 other seizure of macaroni products.) Default decrees of condemnation and destruction. (F. D. C. Nos. 10046, 10219. Sample Nos. 20682-F, 45971-F, 45972-F, 45976-F.)

These products contained beetles, rodent hairs, and insect fragments.

On June 2 and July 9, 1943, the United States attorneys for the District of Massachusetts and the District of Maryland filed libels against 100 cases of egg noodles at Boston, Mass., and 38 cases of spaghetti, 17 cases of elbow macaroni, and 7 cases of ditalini at Baltimore, Md., alleging that the articles had been shipped in interstate commerce within the period from on or about April 20 to June 8, 1943, by the Megs Macaroni Co. from Harrisburg, Pa.; and charging that they were adulterated.

The spaghetti, elbow macaroni, and ditalini were alleged to be adulterated in that they consisted in whole or in part of filthy substances, beetles. The egg noodles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, rodent hairs and insect fragments, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Cavaliere Brand Pure Egg Noodles," "San Filippo Brand Pure * * * Spaghetti [or "Elbows"]," or "Capitol Brand Spaghetti."

On July 20 and August 12, 1943, no claimants having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5259. Adulteration of macaroni. U. S. v. 11 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10218. Sample No. 45975-F.)

On July 9, 1943, the United States attorney for the District of Maryland filed a libel against 11 boxes of macaroni at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by V. Arena & Sons, Inc., from Norristown, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, beetles and larvae. The article was labeled in part: "Italia Brand Macaroni Made of Semolina."

On August 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5260. Adulteration of macaroni products. U. S. v. 27 Cartons of Macaroni Products. Default decree of condemnation and destruction. (F. D. C. No. 10184. Sample Nos. 8080-F, 8501-F, 8505-F.)

These products contained larvae, insect fragments, and hairs resembling rodent hairs.

On July 3, 1943, the United States attorney for the District of Minnesota filed a libel against 27 cartons of macaroni products at St. Paul, Minn., alleging that the articles had been shipped in interstate commerce on or about May 3, 1943, by A. Russo & Co., Inc., from Chicago, Ill.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Fiore D'Italia Brand."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

5261. Adulteration and misbranding of macaroni. U. S. v. 121 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10083. Sample Nos. 43311-F, 43312-F.)

This product contained insect fragments, beetles, larvae, rodent hair fragments, and hair fragments resembling rodent hairs.

On or about July 8, 1943, the United States attorney for the District of Kansas filed a libel against 121 cases of macaroni at Coffeyville, Kans., alleging that the article had been shipped in interstate commerce on or about April 29 and May 19, 1943, by the Domino Macaroni Co. from Joplin, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cartons) "Red Bird Macaroni." A portion was further labeled: "Our product is manufactured in a modern plant under the most sanitary conditions."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

A portion was alleged to be misbranded in that the statement "Our product is manufactured in a modern plant under the most sanitary conditions" was false and misleading as applied to a product manufactured under insanitary conditions.

On August 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5262. Adulteration of macaroni and spaghetti. U. S. v. 17 Boxes of Macaroni and 16 Boxes of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 10220. Sample No. 45974-F.)

On July 9, 1943, the United States attorney for the District of Maryland filed a libel against 17 boxes of elbow macaroni and 16 boxes of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 3, 1943, by National Foods, Inc., from Reynoldsville, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, beetles. The article was labeled in part: "Chef Lorenzo's * * * Elbow Macaroni [or "Spaghetti"]."

On August 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5263. Adulteration of spaghetti. U. S. v. Niagara Macaroni Manufacturing Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 10568. Sample Nos. 21672-F, 21683-F.)

Samples of this product were found to contain insect fragments, rodent hair fragments, and hair fragments resembling rodent hair.

On October 11, 1943, the United States attorney for the Western District of New York filed an information against the Niagara Macaroni Manufacturing Co., Inc., Buffalo, N. Y., alleging shipment on or about March 1 and 25, 1943, from the State of New York into the State of Ohio of a quantity of spaghetti that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Romano Spaghetti * * * Rose & Johnson Co. Youngstown, Ohio," or "Romano Spaghetti."

On November 8, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

5264. Misbranding of spaghetti. U. S. v. 298 Cases of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 10204. Sample No. 28971-F.)

On July 6, 1943, the United States attorney for the Northern District of Georgia filed a libel against 298 cases of spaghetti at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 4, 1943, by the Tampa Macaroni Co., Inc., from Tampa, Fla.; and charging that it was misbranded. The article was labeled in part: (Packages) "6 Ozs. Net Weight Tampa-Maid Brand Spaghetti."

The article was alleged to be misbranded in that its container was so filled as to be misleading since the spaghetti occupied, on an average, less than 40 percent of the capacity of the package.

On August 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

Nos. 5265 to 5269 report actions involving bakery products that were found to be contaminated with one or more types of filth, such as rodent hair fragments and fragments resembling rodent hairs, larvae, cast skins, and insect fragments.

5265. Adulteration of cake. U. S. v. Columbia Baking Co. (Seybold Baking Co.). Plea of nolo contendere. Fine of \$200 on count 1; sentence on count 2 suspended and defendant placed on probation for 2 years. (F. D. C. No. 9645. Sample Nos. 29571-F to 29573-F, incl., 29578-F.)

On June 11, 1943, the United States attorney for the Southern District of Florida filed an information against the Columbia Baking Co., a corporation trading as the Seybold Baking Co., at Jacksonville, Fla., alleging shipment on or about December 22, 1942, and January 11, 1943, from the State of Florida into the State of Georgia of a quantity of cake that was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On September 22, 1943, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of \$200 on count 1, suspended sentence on count 2, and placed the defendant on probation for 2 years.

5266. Adulteration of broken cookies. U. S. v. 36 Boxes of Broken Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10456. Sample No. 56422-F.)

Examination of this product showed that it contained larvae, cast skins, insect fragments, and rodent hair fragments.

On August 23, 1943, the United States attorney for the District of New Jersey filed a libel against 36 boxes of broken cookies at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 3, 1943, by the S & S Candy Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Shapiro Bros New York City New York Broken Crack."

On September 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5267. Adulteration of cookies. U. S. v. 20 Cartons of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 10202. Sample Nos. 45386-F to 45389-F, incl.)

On or about July 12, 1943, the United States attorney for the Southern District of New York filed a libel against 20 cartons of cookies, consisting of Saviardi cookies, anise cookies, butter cookies and butter finger cookies, at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 17, 1943, by the Centre Bakery from West New York, N. J.; and charging that they were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances, the Saviardi, anise, and butter fingers containing rodent hair fragments, and the butter cookies containing rodent hair fragments and insect fragments; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5268. Adulteration of crackers and cookies. U. S. v. 222 Cartons of Crackers (and 2 additional seizure actions against crackers and cookies). Default decrees of condemnation and destruction. (F. D. C. Nos. 10130, 10131, 10190. Sample Nos. 23432-F, 45384-F, 56564-F.)

These products contained rodent hair fragments, fragments resembling rodent hairs, and insect fragments.

Between June 22 and July 6, 1943, the United States attorneys for the Eastern District of Pennsylvania and the Southern and Eastern Districts of New York filed libels against 222 cartons of crackers at Philadelphia, Pa., 99 cartons of cookies at New York, N. Y., and 10 cartons of cheese crackers at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about June 2 to 10, 1943, by the Burry Biscuit Corporation from Elizabeth, N. J.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Flake Rounds," "Burry's * * * Trinkets," or "Burry's Quality Guarded Par-Cheez Crackers."

Between July 12 and September 2, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5269. Adulteration of pretzels. U. S. v. 301 Unlabeled Cans of Pretzels. Default decree of condemnation and destruction. (F. D. C. No. 10254. Sample No. 32536-F.)

On July 15, 1943, the United States attorney for the Northern District of Ohio filed a libel against 301 unlabeled cans of pretzels at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about June 30, 1943, by John's Pretzel and Potato Chip Bakery from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On August 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

5270. Adulteration of corn meal. U. S. v. P. P. Williams Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 9647. Sample Nos. 8866-F, 8867-F, 9108-F, 9109-F, 9766-F.)

Samples of this product were found to contain one or more of the following types of filth: insect fragments, rodent excreta, rodent excreta fragments, rodent hairs, insect excreta fragments, insect larvae, and dirt particles.

On June 19, 1943, the United States attorney for the Southern District of Mississippi filed an information against the P. P. Williams Co., a corporation, at Vicksburg, Miss., alleging shipment within the period from on or about December 17, 1942, to January 15, 1943, from the State of Mississippi into the States of Alabama and Louisiana of a quantity of corn meal that was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Red Wing Home Ground Corn Meal Manufactured by Hill City Flour Co. Vicksburg, Miss," or "Yellow Corn Meal * * * Dubon Co. New Orleans."

On November 17, 1943, a plea of nolo contendere having been entered on behalf of the defendant corporation, the court imposed a fine of \$100 on each of the 5 counts contained in the information, or a total fine of \$500.

5271. Adulteration of corn meal. U. S. v. 25 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 10517. Sample No. 33491-F.)

This product contained larvae, insect fragments, rodent excreta, and rodent hairs.

On or about September 14, 1943, the United States attorney for the Southern District of New York filed a libel against 25 bags of corn meal at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 18, 1943, by the Decatur Milling Co. from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: "Polar White Cream Meal * * * Distributed by Raymond-Hadley Corp'n. New York, N. Y. U. S. A."

On September 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5272. Adulteration of corn meal. U. S. v. 30 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 10275. Sample No. 23078-F.)

On July 16, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 bags of corn meal at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 24, 1943, by the Davis Milling Co., Inc., from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence therein of rodent excreta fragments and rodent hairs. The article was labeled in part: "Mayo * * * Meal for Meals Bolted."

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLOUR

Nos. 5273 to 5284 report actions involving flour that was found to be contaminated with one or more types of filth, such as beetles, weevils, larvae and larvae fragments, cast skins, pupae, insects and insect fragments, rodent excreta, rodent hairs and hair fragments, rodent urine, and small pieces of chewed paper. The flour reported in Nos. 5173 to 5177 had been held under insanitary conditions whereby it may have become contaminated with filth. The time of contamination in the remaining cases was not determined.

5273. Adulteration of flour. U. S. v. 1,198 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 10140. Sample No. 22651-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Many of the bags had been gnawed by rodents, rodent pellets and urine stains were observed on several of the bags, and samples taken from the flour were found to be contaminated with filth.

On June 24, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,198 bags of flour at Philadelphia, Pa., in the possession of the Atlantic & Pacific Tea Co., alleging that the article had been shipped in interstate commerce on or about May 13, 1943, from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent excreta, rodent hair fragments, and small pieces of chewed paper, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Sunnyfield Family Flour."

On July 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5274. Adulteration of flour. U. S. v. 122 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10192. Sample No. 28007-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. Mouse excreta was seen on and between the bags, some of the bags were rodent-gnawed, and many contained urine stains.

On July 6, 1943, the United States attorney for the Northern District of Georgia filed a libel against 122 bags of flour at Atlanta, Ga., in the possession of Alterman Brothers, alleging that the article had been shipped in interstate commerce on or about December 16, 1942, and January 20, 1943, from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Full Strength Washburn Crosby Gold Medal Bleached Flour."

On August 2, 1943, the Alterman Brothers, claimants, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5275. Adulteration of flour. U. S. v. 15 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 10465. Sample Nos. 20116-F to 20118-F, incl.)

This product was stored under insanitary conditions. Portions of the product contained larvae and beetles, rodent pellets and urine stains were found on some of the bags, and flour taken from some of the bags was found to contain urine.

On August 23, 1943, the United States attorney for the District of Massachu-

setts filed a libel against 15 bags of flour at Cambridge, Mass., in the possession of the William Rydberg Baking Co., alleging that the article had been shipped in interstate commerce within the period from on or about January 16 to April 28, 1943, from Buffalo, N. Y., Lyons, N. Y., and Waupaca, Wis.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Youkon Flour Bleached," "Acme Medium White Pure Rye Flour," or "Round Table Pastry Flour."

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5276. Adulteration of flour. U. S. v. 19 Bags of Flour. Default decree of condemnation. Product ordered denatured and sold for hog feed. (F. D. C. No. 10169. Sample No. 56505-F.)

This product was stored under insanitary conditions. Mouse pellets were found on and around the bags. All the bags were rodent-gnawed or had been tunneled by mice, and most of the bags contained urine stains.

On June 29, 1943, the United States attorney for the Middle District of Pennsylvania filed a libel against 19 bags of flour at Scranton, Pa., in possession of the Scranton Baker Supply Co., alleging that the article had been shipped in interstate commerce on or about April 2, 1943, by the Chas. A. Krause Milling Co. from Milwaukee, Wis.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent excreta and rodent hairs, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Krause Short-N-Rich Flour."

On August 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 16, 1943, the order of destruction was amended to provide that the product be denatured and sold as hog feed.

5277. Adulteration of flour. U. S. v. 79 Paper Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 10133. Sample No. 23640-F.)

This product was stored under insanitary conditions after shipment in interstate commerce. A number of the bags were rodent-gnawed and contained urine stains. Rodent pellets were found on and around the bags, and samples of flour taken from the torn bags contained rodent excreta and rodent hairs.

On or about June 14, 1943, the United States attorney for the District of New Jersey filed a libel against 79 paper bags of flour at Camden, N. J., in the possession of the Food Fair Stores, Inc., alleging that the article had been shipped in interstate commerce on or about April 7 and 14, 1943, by the Food Fair Stores, Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Pillsbury's Best XXXX All Purpose Enriched Flour Bleached."

On August 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5278. Adulteration of flour. U. S. v. 220 Bags and 487 Bags of Flour. Decrees of condemnation. Product ordered released under bond for conversion into stock or poultry feed. (F. D. C. No. 10253. Sample Nos. 8985-F, 8986-F.)

On July 14 and 15, 1943, the United States attorney for the Southern District of Texas filed libels against 707 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce in the period from on or about January 15 to May 6, 1943, by the Dobry Flour Mills, Inc., from Yukon, Okla.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, larvae, and insect fragments in both lots and, in addition, rodent pellets in one lot. The article was labeled in part: "Golden Treat Heart of the Wheat * * * Flour," or "Enriched * * * Silver Peaks Finest Grade Flour."

On August 5, 1943, Gordon, Sewall & Co., Inc., of Houston, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock or poultry feed under the supervision of the Food and Drug Administration.

5279. Adulteration of flour. U. S. v. 32 Bags of Flour (and 2 additional seizure actions against flour). Default decrees of condemnation. One lot ordered delivered to a welfare organization for use as animal feed; one lot ordered sold for animal feed, and one lot ordered destroyed. (F. D. C. Nos. 10206, 10263, 10282. Sample Nos. 9149-F, 34544-F, 34546-F.)

This product contained weevils, larvae, larva fragments, insects, and cast skins.

On or about July 7, 19, and 20, 1943, the United States attorneys for the Southern District of Texas and the Southern District of Florida filed libels against 32 bags of flour at Houston, Tex., 9 bags at Jacksonville, Fla., and 25 bags at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about March 4 and May 25, 1943, by the Pillsbury Flour Mills Co., from Minneapolis, Minn., Memphis, Tenn., and Enid, Okla.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: "Pillsbury's Medium Dark Rye Flour," "Pillsbury's H and R Hotel Restaurant Flour," "Pillsbury's Kanabec Flour," or "Pillsbury's Protector Flour."

On August 25, 26, and 31, 1943, no claimant having appeared, judgments of condemnation were entered and the lot located at Houston, Tex., was ordered delivered to a welfare organization for animal feed, the lot located at Miami, Fla., was ordered sold after denaturing for animal feed, and the lot located at Jacksonville, Fla., was ordered destroyed.

5280. Adulteration of flour. U. S. v. 18 Bags and 100 Bags of Flour. Decrees of condemnation. One lot ordered destroyed; remaining lot released under bond for denaturing and use as animal feed. (F. D. C. Nos. 10386, 10422. Sample Nos. 35206-F, 35216-F, 35217-F.)

On or about August 10 and 17, 1943, the United States attorney for the Southern District of Florida filed libels against a total of 118 bags of flour at Tampa, Fla., alleging that the article had been shipped in interstate commerce from on or about May 8 to June 10, 1943, by the Pillsbury Flour Mills Co., from Memphis, Tenn., and Enid, Okla.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils, larvae, and cast skins. The article was labeled in part: "Pillsbury's Pure Dark Rye Flour," or "Pillsbury's H and R Hotel and Restaurant Flour Bleached General Purpose ["98" or "100 Lbs. Net"]."

On September 8, 1943, no claimant having appeared for the lot consisting of 18 bags of flour, judgment of condemnation was entered and the product was ordered destroyed. On September 14, 1943, the Columbia Baking Co. of Atlanta, Ga., trading at Tampa, Fla., under the name Seybold Baking Co., having appeared as claimant for the lot consisting of 100 bags of flour, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under supervision of the Food and Drug Administration and disposed of as animal feed.

5281. Adulteration of flour. U. S. v. 7 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 10387. Sample No. 35205-F.)

On or about August 11, 1943, the United States attorney for the Southern District of Florida filed a libel against 7 100-pound bags of flour at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 6, 1943, by the Chas. A. Krause Milling Co. from Milwaukee, Wis.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, weevils, larvae, and cast skins. The article was labeled in part: "Krause Short-N-Rich Flour."

On September 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5282. Adulteration of flour. U. S. v. 97 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 10183. Sample No. 41054-F.)

This product contained beetles, larvae, and insect fragments.

On July 3, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 97 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 5, 1943, by General Mills, Inc., from Wichita Falls, Tex.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances. The article was labeled in part: (Tag) "Hecla Flour Bleached."

On August 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5283. Adulteration of malted wheat flour. U. S. v. 81 Bags of Malted Wheat Flour. Default decree of condemnation and destruction. (F. D. C. No. 10400. Sample No. 20861-F.)

On August 12, 1943, the United States attorney for the Western District of New York filed a libel against 81 bags of malted wheat flour at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about November 6, 1942, by the Kansas Milling Co., from Wichita, Kans.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, weevils, larvae, pupae, and cast skins.

On September 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5284. Adulteration of rye flour. U. S. v. 110 Sacks of Rye Flour. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal feed. (F. D. C. No. 10203. Sample No. 46338-F.)

On July 7, 1943, the United States attorney for the District of Maryland filed a libel against 110 sacks of rye flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 20, 1943, by the Eagle Roller Mill Co., from New Ulm, Minn.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, larvae, and pupae. The article was labeled in part: (Tag) "Pure Med. Rye * * * General Baking Co., Baltimore, Md."

On July 10, 1943, the Eagle Roller Mill Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as animal feed under the supervision of the Food and Drug Administration.

MISCELLANEOUS CEREAL PRODUCTS

5285. Adulteration of wheat cereal. U. S. v. 8 Bags of Wheat Cereal. Default decree of condemnation and destruction. (F. D. C. No. 10452. Sample No. 33494-F.)

On August 23, 1943, the United States attorney for the Southern District of New York filed a libel against 8 bags of wheat cereal at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 6, 1943, by H. C. Knoke & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence therein of larvae, insect fragments, and insect excreta. The article was labeled in part: "E-Z Cookers Wheat Cereal."

On September 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5286. Adulteration of cornflakes. U. S. v. 11 Bags of Cornflakes. Default decree of condemnation and destruction. (F. D. C. No. 10519. Sample No. 13962-F.)

On August 28, 1943, the United States attorney for the Southern District of California filed a libel against 11 bags of cornflakes at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 27, 1943, by the Decatur Milling Co., Inc., from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of larvae, small flies, pupae, and webbing. The article was labeled in part: "Bakers & Confectioners White Cornflakes Cream of Maize."

On September 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5287. Adulteration of sausage flour. U. S. v. 28 Barrels of Sausage Flour. Default decree of condemnation. Product ordered distributed to a welfare organization for animal feed. (F. D. C. No. 10286. Sample No. 8987-F.)

On July 21, 1943, the United States attorney for the Southern District of Texas filed a libel against 28 barrels of sausage flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 10, 1943, by the Griffith Laboratories from Omaha, Nebr.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances by reason of the presence of insects, larvae, and cast skins. The article was labeled in part: "Griffith's Gelatinous * * * Processed Sausage Flour."

On August 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization for use as animal feed.

CHOCOLATE, SUGARS, AND RELATED PRODUCTS

Nos. 5288 to 5294 report actions involving candy found to be adulterated with one or more types of filth, such as rodent hair fragments, and fragments resembling rodent or cat hairs, rodent excreta fragments, larvae, mites, weevils, insect fragments, feather fragments, wood splinters, fibers, and nondescript dirt. It was charged in each case that the candy had been prepared under insanitary conditions whereby it may have become contaminated with filth. No. 5294 was also misbranded.

5288. Adulteration of candy. U. S. v. Fanny Farmer Candy Shops, Inc. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 9657. Sample Nos. 23227-F, 23228-F, 37113-F.)

This product contained rodent hair fragments, fragments of hairs resembling rodent or cat hairs, insect fragments, and a rodent pellet fragment.

On June 21, 1943, the United States attorney for the Middle District of Pennsylvania filed an information against the Fanny Farmer Candy Shops, Inc., Harrisburg, Pa., alleging shipment on or about January 28 and February 5, 1943, from the State of Pennsylvania into the State of New Jersey and the District of Columbia, of a quantity of candy that was adulterated. The article was labeled in part: "Secord" or "Buttercrunch" or "Fanny Farmer The Fresh Candies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On October 26, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250 on each of the 2 counts in the information, a total fine of \$500.

5289. Adulteration of candy. U. S. v. Ph. Wunderle, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$1,600. (F. D. C. No. 10546. Sample Nos. 10384-F, 23273-F, 23536-F, 23619-F to 23621-F, incl., 32510-F, 32511-F, 37176-F.)

Samples of this product were found to contain insect fragments, rodent excreta fragments, rodent hair fragments, hair fragments resembling rodent hairs, feather fragments, whole larvae, mites, small splinters of wood, fibers, and nondescript material.

On September 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed an information against Ph. Wunderle, Inc., at Philadelphia, Pa., alleging shipment within the period from on or about March 5 to April 13, 1943, from the State of Pennsylvania into the States of Louisiana, New Jersey, Delaware, Ohio, and the District of Columbia of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Franklin Mixture," "The Best * * * Black Soft Jujube Dolls," "Scotties," "Bunnies," "Butter Cream Eggs," "Licorice Mint Jujubes," "Butter Cream Toys," "Assorted Opera Jujubes," or "Assorted Jujubes."

On October 29, 1943, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$200 on each of the 8 counts in the information, or a total of \$1,600.

5290. Adulteration of candy. U. S. v. B. Lloyd Woodall (B. Lloyd's). Plea of guilty. Fine, \$200. (F. D. C. No. 9638. Sample Nos. 28272-F, 28365-F, 28367-F, 28368-F.)

On May 28, 1943, the United States attorney for the Middle District of Georgia filed an information against B. Lloyd Woodall, trading as B. Lloyd's at Barnesville, Ga., alleging shipment within the period from on or about December 9, 1942, to February 5, 1943, from the State of Georgia into the State of South Carolina of a quantity of candy that was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence in the food of rodent hair fragments, unidentified hair fragments, larvae and weevils, and insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "B. Lloyd's Pecan Products Home Made."

On September 27, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$200.

5291. Adulteration of candy. U. S. v. Loose-Wiles Biscuit Company. Plea of guilty. Fine, \$100. (F. D. C. No. 10576. Sample No. 3050-F.)

On October 23, 1943, the United States attorney for the Western District of Missouri filed an information against the Loose-Wiles Biscuit Co., a corporation, at Kansas City, Mo., alleging shipment on or about March 26, 1943, from the State of Missouri into the State of Kansas of a quantity of candy that was adulterated in that it consisted in whole or in part of a filthy substance, by reason of the presence in the food of rodent hair fragments and miscellaneous filth, such as a rodent excreta pellet and unidentified dirt; and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Jumbo Candy Corn."

On November 22, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

5292. Adulteration of candy. U. S. v. 34 Boxes, 20 Boxes, 27 Boxes, and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 10165. Sample Nos. 46332-F, 46333-F.)

On June 30, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 61 1-pound boxes and 30 2-pound boxes of candy at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 20, 1943, by Frances Sinagnan et Cie., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insect fragments, rodent hair fragments, and fragments resembling rodent hair; and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "by Bagatelle New York."

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5293. Adulteration of candy. U. S. v. 176 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 10276. Sample No. 46613-F.)

On July 16, 1943, the United States attorney for the Eastern District of Michigan filed a libel against 176 boxes of candy at Ferndale, Mich., alleging that the article had been shipped in interstate commerce on or about June 30, 1943, by the Lawndale Candy Sales Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence therein of insect fragments, rodent hair, and hair resembling rodent or cat hair; and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: (Bars) "5¢ Fudge * * * Mnf'd. for Syndicate Candy Co. Chicago."

On August 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5294. Adulteration and misbranding of candy. U. S. v. 39 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 10076. Sample No. 24699-F.)

On June 9, 1943, the United States attorney for the District of Columbia filed a libel against 39 boxes, each containing 36 cartons, of candy at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia; and charging that it was adulterated and misbranded. The article was labeled in part: (Cartons) "Baltimore Ices 5¢ Net Weight 1 oz. or more General Candy Co. Baltimore, Md."

The article was alleged to be adulterated in that it consisted in whole or in part of filthy substances, insect fragments and rodent hair fragments; and in that it had been prepared under insanitary conditions whereby it may have been contaminated with filth.

It was alleged to be misbranded in that its container was so filled as to be misleading since the candy occupied only about one-third of the volume of the carton.

On July 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5295. Misbranding of candy. U. S. v. 260 Cartons of Candy. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 10426. Sample No. 43431-F.)

On or about September 4, 1943, the United States attorney for the District of Kansas filed a libel against 260 cartons of candy at Kansas City, Kans.,

alleging that the article had been shipped in interstate commerce on or about June 10, 1943, by the Federal Sales Co. from Flushing, N. Y.; and charging that it was misbranded. The article was labeled in part: (Packages) "Giant Torpedo 2¢ Net Wt. 9/16 Oz. or Over."

It was alleged to be misbranded (1) in that the statement "Net Wt. 9/16 Oz. or Over" was false and misleading as applied to the article since it was short of the declared weight; (2) in that its container was so filled as to be misleading since the candy occupied less than 20 percent of the volume of the package; and (3) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On August 26, 1943, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

5296. Misbranding of apple candy. U. S. v. Ridgewood Orchards, Inc. (Shenandoah Valley Apple Candy Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 9676. Sample Nos. 37110-F, 37146-F, 37303-F.)

On September 16, 1943, the United States attorney for the Western District of Virginia filed an information against the Ridgewood Orchards, Inc., trading under the name Shenandoah Valley Apple Candy Co., at Winchester, Va., alleging shipment within the period from on or about January 9 to March 12, 1943, from the State of Virginia into the District of Columbia and the State of Maryland of a quantity of apple candy that was misbranded. The article was labeled in part: (Box) "Shenandoah Valley Apple Candy * * * Contents One Pound Net."

It was alleged to be misbranded (1) in that the statement "Contents One Pound Net" was false and misleading since the boxes did not contain 1 pound net of candy but did contain a smaller amount; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, since the boxes contained a smaller amount than represented on the label.

On October 25, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$50.

DAIRY PRODUCTS

BUTTER

Nos. 5297 to 5312 report actions involving butter that was prepared from decomposed cream, as evidenced by mold.

5297. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation. Product ordered sold to a chemical plant for use other than human consumption. (F. D. C. No. 10340. Sample No. 48035-F.)

On or about July 6, 1943, the United States attorney for the Southern District of Ohio filed a libel against 12 cases of butter at Cincinnati, Ohio, which had been consigned on or about June 2, 1943, alleging that the article had been shipped in interstate commerce by the Rising Sun Creamery, Inc., from Rising Sun, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Cottage Butter * * * Packed Expressly for The Schneider Grocery Co. Cincinnati, Ohio."

On July 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a chemical plant for uses other than human consumption.

5298. Adulteration of butter. U. S. v. 151 Cases of Butter. Decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10294. Sample Nos. 35441-F to 35443-F, incl.)

On or about July 15, 1943, the United States attorney for the Northern District of Georgia filed a libel against 151 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 30, 1943, by Kingan & Co. from Lebanon, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "Kingan's Reliable * * * Butter," or "Forest Brook Creamery Butter."

On July 21, 1943, Kingan & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5299. Adulteration of butter. U. S. v. 40 Cases and 280 Cases of Butter. Decrees of condemnation. Product ordered released under bond, a portion for conversion into butter oil and the remainder for processing into inedible grease. (F. D. C. Nos. 10289, 10986. Sample Nos. 8981-F, 57623-F, 57624-F.)

One shipment of this product contained mold; the other contained fly setae, feather barbules, plant fibres, nondescript dirt, and ants.

On or about June 30 and August 31, 1943, the United States attorneys for the Western District of Louisiana and the Southern District of California filed libels against 40 cases of butter at Lake Charles, La., and 280 cases of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 15 and November 4, 1943, by Wilson & Co., from Beaumont and Lubbock, Tex.; and charging that it was adulterated. The article was labeled in part: "Lake View [or "Clear Brook"] Creamery Butter," or "Country Roll Creamery Butter."

The lot located at Los Angeles, Calif., was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth. The lot located at Lake Charles, La., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, as evidenced by mold.

On July 13 and November 4, 1943, Wilson & Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for disposition in conformity with the law, under the supervision of the Food and Drug Administration. The lot located at Lake Charles, La., was converted into butter oil, and the lot located at Los Angeles, Calif., was ordered processed into inedible grease.

5300. Adulteration of butter. U. S. v. 76 Cases and 48 Cases of Butter. Decrees of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. Nos. 10089, 10492. Sample Nos. 29095-F, 40867-F.)

On June 4 and August 4, 1943, the United States attorneys for the Northern Districts of Alabama and Georgia filed libels against 76 cases of butter at Atlanta, Ga., and 48 cases of butter at Birmingham, Ala., alleging that the article ated in that it consisted in whole or in part of a decomposed substance. The the Armour Creameries from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Armour's Cloverbloom Butter."

On July 14 and September 3, 1943, Armour and Co., and Kingan and Co. of Birmingham, Ala., having appeared as claimants and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5301. Adulteration of butter. U. S. v. 17 Cartons (204 pounds) and 98 Pounds of Butter. Default decrees of condemnation. Product ordered sold to be used as salvage fat under the direction of the War Production Board. (F. D. C. Nos. 10476, 10496. Sample Nos. 37279-F, 46288-F, 46289-F.)

On July 26 and August 9, 1943, the United States attorneys for the District of Maryland and the Northern District of West Virginia filed libels against 17 12-pound cartons of butter at Salisbury, Md., and 98 pounds of butter at Clarksburg, W. Va., alleging that the article had been shipped in interstate commerce on or about July 16, 1943, by the Tri-State Butter Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Wrapper) "Sunnydale Brand Butter," (carton) "Valley Farms Brand * * * Creamery Butter," or "Rainbow Brand Creamery Butter."

On August 30 and September 7, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered sold for use as salvage fat as directed by the War Production Board.

5302. Adulteration of butter. U. S. v. 10 Cases of Butter. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 10470. Sample No. 3734-F.)

On July 26, 1943, the United States attorney for the District of Kansas filed a libel against 10 cases of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about July 13, 1943, by the Holden Creamery Co. from Holden, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed sub-

stance. The article was labeled in part: "Country Roll Creamery Butter Pasteurized Wilson & Co. Distributors, General Offices Chicago, Ill."

On July 27, 1943, the Holden Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

5303. Adulteration of butter. U. S. v. 4 Tubs (256 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond to be denatured and disposed of as an ointment base. (F. D. C. No. 10473. Sample No. 23730-F.)

On August 9, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 4 64-pound tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 5, 1943, by McCrum's Creamery from Lexington, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Butter Stanley Marvel."

On August 25, 1943, Stanley Marvel of Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured, under the supervision of the Food and Drug Administration, and sold for purposes other than human consumption. It was melted down into oil and used in the manufacture of ointments.

5304. Adulteration of butter. U. S. v. 19 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into refined butter oil. (F. D. C. No. 10493. Sample No. 41101-F.)

On July 30, 1943, the United States attorney for the Middle District of Alabama filed a libel against 19 cases of butter at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 14, 1943, by the Cudahy Packing Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Retail carton) "Daisy Maid Brand Creamery Butter."

On September 8, 1943, the Cudahy Packing Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into refined butter oil under the supervision of the Food and Drug Administration.

5305. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10495. Sample No. 45237-F.)

On August 16, 1943, the United States attorney for the Southern District of New York filed a libel against 15 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1943, by the Roanoke Dairy and Ice Cream Co. from Roanoke, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 25, 1943, the Roanoke Dairy and Ice Cream Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5306. Adulteration of butter. U. S. v. 30 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 10474. Sample No. 28989-F.)

On July 27, 1943, the United States attorney for the Northern District of Georgia filed a libel against 30 cases, each containing 32 pounds, of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 20, 1943, by the Mountain Valley Cooperative, Inc., from Brass-town, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "Packed for Kingan & Company * * * Forest Brook Creamery Butter."

On September 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5307. Adulteration of butter. U. S. v. 13 Cartons (416 pounds) of Butter. Default decree of condemnation. Product ordered disposed of for industrial purposes. (F. D. C. No. 10480. Sample No. 45380-F.)

On July 29, 1943, the United States attorney for the Southern District of New York filed a libel against 13 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1943, by the Davis Cleaver Produce Co. from Quincy, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Bender Goodman Co."

On August 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a fat rendering and soap manufacturing company for industrial purposes.

5308. Adulteration of butter. U. S. v. 150 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for reworking to be brought into compliance with the law. (F. D. C. No. 10237. Sample No. 41653-F.)

On June 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 150 cases of butter at Columbus, Ohio, which had been consigned on or about June 10, 1943, alleging that the article had been shipped in interstate commerce on or about June 10, 1943, by Schlosser Bros., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Silverbrook Creamery Butter."

On June 30, 1943, Schlosser Bros., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

5309. Adulteration of butter. U. S. v. 40 Cartons (2,320 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into refined butter oil. (F. D. C. No. 10233. Sample No. 38902-F.)

On June 30, 1943, the United States attorney for the Northern District of Illinois filed a libel against 40 cartons of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 18, 1943, by the Fort Madison Creamery from Ft. Madison, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Cartons) "Butter Distributed by Beatrice Creamery Co., General Offices, Chicago, Illinois."

On August 10, 1943, the Beatrice Creamery Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into refined butter oil under the supervision of the Food and Drug Administration.

5310. Adulteration of butter. U. S. v. 68 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into butter oil. (F. D. C. No. 10156. Sample No. 48044-F.)

On or about June 18, 1943, the United States attorney for the Southern District of Ohio filed a libel against 68 cases of butter at Cincinnati, Ohio, which had been consigned on or about June 13, 1943, alleging that the article had been shipped in interstate commerce by Chrispens Truck Line from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Retail carton) "Swift's Brookfield Butter. Distributed by Swift & Company * * * Chicago, Ill."

On July 15, 1943, Swift and Co., Chicago, Ill., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

5311. Adulteration of butter. U. S. v. 163 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond, conditioned that a portion be reworked and the remainder converted into butter oil. (F. D. C. No. 10478. Sample No. 45133-F.)

This product was low in milk fat, and portions contained mold.

On August 3, 1943, the United States attorney for the Southern District of New York filed a libel against 163 tubs of butter at New York, N. Y., alleging that the

article had been shipped in interstate commerce on or about July 11, 1943, by the Garst Bros. Dairy, Inc., from Roanoke, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by J. R. Kramer Inc. * * * New York, N. Y."

On August 21, 1943, Garst Bros. Dairy, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking a portion (58 tubs) and conversion of the remainder (105 tubs) into refined butter oil under the supervision of the Food and Drug Administration.

5312. Adulteration of butter. U. S. v. 250 Cases of Butter (and 5 additional seizure actions against butter). Decrees of condemnation. Product ordered released under bond, 3 of the lots to be reworked and 3 lots to be converted into butter oil. (F. D. C. Nos. 10228, 10230, 10231, 10288, 10338, 10770. Sample Nos. 3386-F, 35708-F, 41044-F, 41057-F, 46273-F, 46274-F.)

Portions of this product contained excessive mold, and the remainder was low in milk fat.

Within the period from June 8 to September 2, 1943, the United States attorneys for the Eastern District of Louisiana, the Southern District of West Virginia, the District of Kansas, and the Northern District of Georgia filed libels against 438 cases of butter at New Orleans, La., 37 cases of butter at Charleston, W. Va., 10 cases of butter at Kansas City, Kans., and 8 cases at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to August 19, 1943, by the Sugar Creek Creamery Co. (one lot in the name of the Harding Division of the Sugar Creek Creamery Co.) from Russellville, Ark., Louisville, Ky., Kansas City, Mo., and Knoxville, Tenn.; and charging that it was adulterated. The article was labeled in part: "Harding Quality Butter," "Cudahy's Sunlight Creamery Butter," "Sugar Creek Butter," "Country Roll Creamery Butter Pasteurized, Distributors Wilson & Co. Charleston, W. Va.," or "Velva Brand Creamery Butter Packed for H. G. Hill Stores, Inc., New Orleans, La."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The remainder was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Between June 14 and October 5, 1943, the Williams Meat Company of Kansas City, Kans., having appeared as claimant for the lot located there, and the Sugar Creek Creamery Co. having appeared as claimant for the remaining lots, judgments of condemnation were entered and the product was ordered released under bond, the lots low in milk fat to be reworked and the remainder to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

Nos. 5313 to 5337 (also Nos. 5311 and 5312) report actions involving butter that was deficient in milk fat.

5313. Adulteration of butter. U. S. v. Wells River Creamery. Plea of guilty. Fine, \$25. (F. D. C. No. 9651. Sample Nos. 19549-F, 19558-F, 20068-F, 20206-F.)

On July 28, 1943, the United States attorney for the District of Vermont filed an information against the Wells River Creamery, Inc., at Wells River, Vt., alleging shipment within the period from on or about December 6, 1942, to February 7, 1943, from the State of Vermont into the State of New Hampshire of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 16, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$25.

5314. Adulteration of butter. U. S. v. French-Bauer, Inc. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 10547. Sample No. 48067-E.)

On September 8, 1943, the United States attorney for the Southern District of Ohio filed an information against French-Bauer, Inc., at Cincinnati, Ohio, alleging shipment on or about April 27, 1943, from the State of Ohio into the State of Kentucky of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted

for butter. The article was labeled in part: (Wrappers) "Clover Blossom * * * Butter."

On October 1, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

5315. Adulteration of butter. U. S. v. Beatrice Creamery Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 8839. Sample No. 22586-F.)

On May 28, 1943, the United States attorney for the Northern District of Illinois filed an information against the Beatrice Creamery Co., a corporation, Chicago, Ill., alleging shipment on or about October 27, 1942, from the State of Illinois into the State of Pennsylvania of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 20, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

5316. Adulteration of butter. U. S. v. 10 Boxes (600 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10150. Sample No. 7898-F.)

On June 5, 1943, the United States attorney for the Southern District of New York filed a libel against 10 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 19, 1943, by the Slayton Creamery from Slayton, Minn.; and charging that it was adulterated in that it contained less than 80 percent by weight of milk fat. The article was labeled in part: "Butter S & W Waldbaum Inc. * * * Distributors New York NY."

On June 18, 1943, the Slayton Creamery Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5317. Adulteration of butter. U. S. v 74 Boxes (4,736 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 10149. Sample No. 7813-F.)

On June 16, 1943, the United States attorney for the District of Minnesota filed a libel against 74 boxes of butter at Minneapolis, Minn., alleging that the article had been consigned on or about May 28, 1943, by the Barnes Company Cooperative Creamery from Valley City, N. Dak.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom, and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On July 10, 1943, the Land O'Lakes Creameries having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

5318. Adulteration of butter. U. S. v. 79 Cubes (5,214 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 10148. Sample No. 7802-F.)

On June 1, 1943, the United States attorney for the District of Massachusetts filed a libel against 79 cubes of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about May 26, 1943, by the Kingston Cooperative Dairy, from Dassel, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Pipestone Produce Co., Summerville, Mass. * * * Butter."

On June 21, 1943, the Pipestone Produce Co. of Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5319. Adulteration of butter. U. S. v. 21 Cases of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10090. Sample No. 6761-F.)

On May 28, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 21 cases of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about May 6, 1943, by the

Cutler Creamery & Ice Cream Co., from Cutler, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Parchment wrapper) "Independent Mayrose Creamery Butter Distributed By St. Louis Independent Packing Co."

On June 29, 1943, the Cutler Creamery & Ice Cream Co. having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5320. Adulteration of butter. U. S. v. 138 Boxes (8,280 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10088. Sample Nos. 15154-F, 15155-F.)

On May 31, 1943, the United States attorney for the Southern District of California filed a libel against 138 boxes, each containing 60 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 6, 1943, by the Hallren Poultry & Creamery Co. from Fairview, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter * * * Distributed by Disney Smith L. A. Calif."

On June 9, 1943, the Hallren Poultry & Creamery Co. having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

5321. Adulteration of butter. U. S. v. 30 Cubes (2,100 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10087. Sample No. 11296-F.)

On May 24, 1943, the United States attorney for the Northern District of California filed a libel against 30 cubes of butter, each weighing 70 pounds, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 3, 1943, by the Mandan Cry. and Pro. Co. from Mandan, N. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 27, 1943, B. J. Holmes, trading as B. J. Holmes Sales Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5322. Adulteration and misbranding of butter. U. S. v. 18 Cartons of butter (and 2 additional seizure actions against butter). Decrees of condemnation. Product ordered released under bond for reworking and relabeling. (F. D. C. Nos. 10239, 10774, 10890. Sample Nos. 20629-F, 21921-F, 21922-F, 51225-F.)

On June 25, August 26, and September 16, 1943, the United States attorneys for the District of Massachusetts and the Western District of New York filed libels against 185 cartons, each containing 30 1-pound prints, of butter at Boston, Mass., and 19 cubes, each containing 64 pounds, of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about June 12 to September 4, 1943, by the Benson Produce Co. from Benson, Mich.; and charging that it was adulterated, and that the print butter was misbranded. The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter. The print butter was alleged to be misbranded in that the prints did not contain "One Pound Net" as labeled.

On July 9 and September 13 and 22, 1943, A. E. Mills & Sons, Inc., of Boston, Mass., and Frank E. Wattles, Inc., of Buffalo, N. Y., having appeared as claimants for the lots located in their respective cities and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for reworking and remarking the true weight on the labels or wrappers in those instances in which the product was short-weight, under the supervision of the Food and Drug Administration.

5323. Adulteration of butter. U. S. v. 28 Cubes (1,792 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10487. Sample No. 11525-F.)

On August 3, 1943, the United States attorney for the Northern District of California filed a libel against 28 cubes of butter at San Francisco, Calif., alleging

that the article had been shipped in interstate commerce on or about July 14, 1943, by the Sherman Produce Co. from Sioux City, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Akron Creamery Grade AA."

On September 3, 1943, P. Lerner Co. of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5324. Adulteration of butter. U. S. v. 17 Boxes (1,020 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10301. Sample No. 45126-F.)

On July 6, 1943, the United States attorney for the Southern District of New York filed a libel against 17 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 22, 1943, by the Nordness Cooperative Creamery from Decorah, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Distributed by Gude Bros., Kieffer Co. * * * New York."

On July 24, 1943, the Nordness Cooperative Creamery having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5325. Adulteration of butter. U. S. v. 8 Cubes (544 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10291. Sample No. 12623-F.)

On July 6, 1943, the United States attorney for the Western District of Washington filed a libel against 8 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1943, by the Scovill Creamery from Big Timber, Mont.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Klock Produce Co. Seattle."

On July 15, 1943, the Scovill Creamery, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking and reconditioning under the supervision of the Food and Drug Administration.

5326. Adulteration of butter. U. S. v. 9 Cubes (612 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10290. Sample No. 12622-F.)

On July 8, 1943, the United States attorney for the Western District of Washington filed a libel against 9 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 30, 1943, by the Hot Springs Corporation from Plains, Mont.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 15, 1943, the Sanders Co. Dairy Cooperative, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

5327. Adulteration of butter. U. S. v. 23 Cubes and 18 Cubes (totaling 2,706 pounds) of Butter. Decrees of condemnation. Product ordered released under bond for reworking. (F. D. C. Nos. 10091, 10147. Sample Nos. 7801-F, 7893-F.)

On May 24, and June 1, 1943, the United States attorney for the District of Massachusetts filed libels against 41 cubes, each weighing 66 pounds, of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about May 18 and 26, 1943, by the Albion French Lake Creamery Association from Annandale, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Pipestone Produce Co. Somerville, Mass. * * * Butter."

On June 4 and 21, 1943, the Pipestone Produce Co. of Somerville, Mass., having appeared as claimant and having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5328. Adulteration of butter. U. S. v. 75 Boxes (1,200 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10227. Sample No. 6907-F.)

On June 17, 1943, the United States attorney for the Eastern District of Illinois filed a libel against 75 boxes of butter at the National Stock Yards, Ill., alleging that it had been shipped in interstate commerce on or about June 9, 1943, by Armour & Co., Enid, Okla., from Wichita, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Armour's Cloverbloom Butter."

On July 6, 1943, the Cherokee Creamery Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5329. Adulteration of butter. U. S. v. 45 Cartons (approximately 2,835 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10341. Sample No. 11931-F.)

On July 5, 1943, the United States attorney for the Northern District of California filed a libel against 45 cartons of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 17, 1943, by the Arkansas City Cooperative Milk Association from Arkansas City, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 10, 1943, O. Casperson & Sons, a copartnership, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5330. Adulteration of butter. U. S. v. 47 Cases (1,504 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10494. Sample No. 43430-F.)

On August 9, 1943, the United States attorney for the District of Kansas filed a libel against 47 cases of butter at Kansas City, Kans.; alleging that the article had been shipped in interstate commerce on or about July 28, 1943, by the Sni-A-Bar Creamery Co. from Independence, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Parchment wrappers) "Armour's Cloverbloom Butter Armour Creamery Distributors Gen'l Office Chicago, Ill."

On August 9, 1943, the Sni-A-Bar Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5331. Adulteration of butter. U. S. v. 57 Cubes (3,648 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10502. Sample No. 11528-F.)

On August 13, 1943, the United States attorney for the Northern District of California filed a libel against 57 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 24, 1943, by Clark F. Walsh from Charles City, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 24, 1943, the Carnation Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5332. Adulteration of butter. U. S. v. 12 Boxes (792 pounds) of Butter. Decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10471. Sample No. 8648-F.)

On July 19, 1943, the United States attorney for the District of Massachusetts filed a libel against 12 66-pound boxes of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about July 14, 1943, from Minneapolis, Minn., for the Stockholm Cooperative Creamery; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 3, 1943, the Pipestone Produce Co. of Somerville, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5333. Adulteration of butter. U. S. v. 191 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10479. Sample Nos. 8527-F, 45379-F.)

On July 23, 1943, the United States attorney for the Southern District of New York filed a libel against 191 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 12, 1943, by the Sorenson Creamery from Big Stone City, S. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Breakstone Bros., Inc., Distributors."

On August 10, 1943, the Sorenson Creameries of Big Stone City, S. Dak., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5334. Adulteration of butter. U. S. v. 14 Cubes (952 pounds) of Butter. Decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 10503. Sample No. 11530-F.)

On August 16, 1943, the United States attorney for the Northern District of California filed a libel against 14 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 3, 1943, by the Blue Bonnett Creamery from Perryton, Tex.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 2, 1943, O. Casperson & Sons of San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law, under the supervision of the Food and Drug Administration.

5335. Adulteration of butter. U. S. v. 10 Cases (300 pounds) of Butter. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. D. C. No. 10153. Sample No. 39423-F.)

On June 11, 1943, the United States attorney for the Southern District of California filed a libel against 10 cases of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 5, 1943, by the Mountain States Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Parchment wrapper) "Young's Special Butter First Quality."

On July 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations within the city and county of Los Angeles, Calif.

5336. Adulteration of butter. U. S. v. 92 Cartons (5,580 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 10155. Sample No. 45360-F.)

On June 7, 1943, the United States attorney for the Southern District of New York filed a libel against 92 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 29, 1943, by the Farmers Creamery Co. from Dubuque, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Distributed by J. J. Hodupp & Co., Inc. * * * New York."

On June 19, 1943, Joseph J. Hodupp & Edna Marie Hodupp, doing business as J. J. Hodupp & Co., claimants, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

5337. Adulteration and misbranding of butter. U. S. v. 29 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for manufacture into ice cream. (F. D. C. No. 10292. Sample Nos. 21949-F, 21951-F.)

On July 7, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 29 boxes of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 24, 1943, by the Blue Valley Creamery from Parsons, Kans.; and charging that it was adulterated and misbranded. The article was labeled in part: (Print label) "Net Weight One Pound Meadow Gold Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the prints did not contain "Net Weight One Pound" as labeled.

On July 22, 1943, the Meadow Gold Dairies, Inc., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for manufacture into ice cream under the supervision of the Food and Drug Administration.

CREAM

5338. Adulteration of cream. U. S. v. 5 10-Gallon Cans of Cream. Consent decree of condemnation. Product ordered destroyed. (F. D. C. No. 10152. Sample No. 36401-F.)

On June 11, 1943, the United States attorney for the District of Colorado filed a libel against 5 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 8, 1943, by the Grant Produce Co. from Grant, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 11, 1943, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5339. Adulteration of cream. U. S. v. 1 10-Gallon Can of Cream (and 2 additional seizure actions against cream). Decrees of condemnation. Product ordered sold for uses in connection with the war effort. (F. D. C. Nos. 10241 to 10243, incl. Sample Nos. 36408-F to 36421-F, incl., 36761-F, 36762-F, 36764-F.)

On June 25 and 29, 1943, the United States attorney for the District of Colorado filed libels against 25 10-gallon cans and 7 5-gallon cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about June 19 to 23, 1943, by J. C. Dudley from Springer, N. Mex., W. A. Estes, Delhart, Tex., D. E. Johnson, Mayfield, Okla., Forrest Rogers, Graham, Tex., T. W. Bain, Hedley, Tex., Theodore Jared, Frederick, Okla., W. G. Fugitt, Chillicothe, Tex., G. E. Huddleston, Crosbyton, Tex., J. E. Richards, Clayton and Sedan, N. Mex., Florsheim Mercantile, Springer, N. Mex., F. F. Wood, Clayton and Sedan, N. Mex., Carl D. Myers, Boise City, Okla., Ellis Jernigan, Amistad, N. Mex., and G. H. Hathaway, Las Lunas, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On June 25 and 29, 1943, the consignee having admitted the allegations of the libels and having consented to the entry of a decree, judgments of condemnation were entered and the marshal was ordered to have the cream churned and the butter sold for uses in connection with the war effort or, failing to effect such disposition, to destroy it.

EGGS

5340. Adulteration of frozen whole eggs. U. S. v. 37 Cans and 93 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and denaturing or destruction of the unfit portion. (F. D. C. No. 10407. Sample Nos. 45222-F, 45224-F.)

On August 14, 1943, the United States attorney for the District of New Jersey filed a libel against a total of 130 cans of frozen whole eggs at Jersey City, N. J.,

alleging that the article had been shipped in interstate commerce on or about July 14 and 15, 1943, by the Highway Butter & Egg Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 28, 1943, the Highway Butter & Egg Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating the good eggs from the bad and denaturing or destruction of the bad eggs, under the supervision of the Food and Drug Administration.

5341. Adulteration of frozen whole eggs. U. S. v. 700 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10528. Sample No. 20836-F.)

On August 31, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 700 cans of frozen whole eggs at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about July 21, 1943, by David Bunshaft from Buffalo, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance by reason of the presence of decomposed eggs.

On September 8, 1943, the Firsch Baking Co. of Erie, Pa., having appeared as claimant and having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and, upon the petition of the claimant, the court entered an order releasing the product under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

5342. Adulteration of frozen eggs. U. S. v. 250 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for disposition in compliance with the law. (F. D. C. No. 10092. Sample No. 6156-F.)

Examination showed the presence of decomposed eggs.

On June 12, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 250 cans of frozen eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 11, 1943, by Swift & Co., from Muskogee, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 26, 1943, Swift & Co., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The fit portion was separated from the unfit and the latter was disposed of as tankage.

5343. Adulteration of frozen whole eggs. U. S. v. 402 Containers of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation of the unfit portion from the fit portion and destruction of the unfit portion. (F. D. C. No. 10187. Sample No. 45373-F.)

On or about July 12, 1943, the United States attorney for the Southern District of New York filed a libel against 402 containers of frozen whole eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 27, 1943, by the Twin Rivers Co., Inc., from Grand Island, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 21, 1943, S. & W. Waldbaum, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the unfit portion from the fit portion of the product, and destruction of the latter under the supervision of the Food and Drug Administration.

5344. Adulteration of frozen whole eggs. U. S. v. 31 Cans, 237 Cans, and 195 Cans of Frozen Whole Eggs. Decrees of condemnation and destruction. Portion of product ordered released under bond for segregation and destruction of the unfit portion. One lot ordered destroyed. (F. D. C. Nos. 10072, 10097, 10161. Sample Nos. 45353-F, 45359-F, 45363-F, 45370-F, 45371-F.)

On June 9, 14, and 30, 1943, the United States attorneys for the Southern and Eastern Districts of New York filed libels against 31 cans and 195 cans of frozen whole eggs at New York, N. Y., and 237 cans of frozen whole eggs at Brooklyn,

N. Y., alleging that the article had been shipped in interstate commerce from on or about April 5 to June 2, 1943, by the Conestoga Cream & Cheese Manufacturing Corporation from Lima, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 3, 1943, no claimant having appeared for the 31-can lot, a judgment of condemnation was entered and the product was ordered destroyed. On July 26 and 29, 1943, the Conestoga Cream & Cheese Manufacturing Corp. of Lima, Ohio, and Nathan Erlich, of Brooklyn, N. Y., having appeared as claimants for the remaining lots and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5345. Adulteration of shell eggs. U. S. v. 50 Cases and 250 Cases of Eggs. Product ordered released under bond for separation of the good from the bad portion. (F. D. C. Nos. 10445, 10518. Sample Nos. 15193-F, 15194-F, 15197-F to 15199-F, incl.)

On August 20 and 28, 1943, the United States attorney for the Southern District of California filed libels against a total of 300 cases of eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 9 and 15, 1943, by the Dickey-Davis Co., from Phoenix, Ariz.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance by reason of the presence of decomposed egg. The article was labeled in part: "Dirty," "Bakers," or "Checks." Twenty-seven of these cases were unlabeled.

On August 24 and September 2, 1943, J. M. Davis, W. E. Humphries, and J. Earl Stowe, trading under the name of the Dickey-Davis Company, having appeared as claimants, and having admitted the allegations of the libels, the court entered orders releasing the product under bond of segregation of the fit portion from the unfit portion under the supervision of the Food and Drug Administration.

5346. Adulteration of shell eggs. U. S. v. 356 Cases of Shell Eggs. Decree of condemnation. Product ordered released under bond for sorting of the fit portion from the unfit portion, and use of the unfit portion for industrial purposes. (F. D. C. No. 10212. Sample No. 20641-F.)

Examination of this product showed the presence of rotten and moldy eggs.

On July 9, 1943, the United States attorney for the District of Massachusetts filed a libel against 356 cases of shell eggs at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 18, 1943, by F. M. Priest & Sons from St. James, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 20, 1943, the Siegel Egg Co. of Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for sorting of the fit portion from the unfit portion under the supervision of the Food and Drug Administration, and disposition of the unfit portion for industrial purposes.

FISH AND SHELLFISH

5347. Adulteration of frozen mullet fillets. U. S. v. 215 Cartons and 1,357 Cartons of Mullet Fillets. Default decree of condemnation and destruction. (F. D. C. No. 10157. Sample Nos. 36228-F, 36229-F.)

On June 30, 1943, the United States attorney for the District of Colorado filed a libel against 215 45-pound cartons and 1,357 15-pound cartons of mullet fillets at Denver, Colo., which had been shipped by the Northern Lakes Fisheries Co., Ltd., from Winnipeg, Canada, on or about June 7, 1943; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5348. Adulteration of frozen ocean pout. U. S. v. 6 Cases "Cello Ocean Pout." Consent decree of condemnation and destruction. (F. D. C. No. 10071. Sample No. 36318-F.)

On June 11, 1943, the United States attorney for the District of Colorado filed a libel against 6 cases of cello ocean pout which had been shipped by the Booth Fisheries Corporation, alleging that the article had been shipped on or about May 18, 1943, from Boston, Mass.; and charging that it was adulterated in that

it consisted wholly or in part of a filthy substance, parasitized and diseased fish, and in that it was in whole or in part a product of a diseased animal. The article was labeled in part: "Cello Ocean Pout * * * Progressive Fillet Co. Gloucester, Mass."

On June 25, 1943, the Booth Fisheries Corporation, having signed authorization for the taking of a final decree, judgment of condemnation was entered and the product was ordered destroyed.

5349. Adulteration of frozen pollock and haddock fillets. U. S. v. 31 Boxes of Pollock Fillets and 9 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 10060. Sample Nos. 36128-F, 36129-F.)

On June 11, 1943, the United States attorney for the District of Colorado filed a libel against 31 boxes of pollock fillets and 9 boxes of haddock fillets at Denver, Colo., which had been consigned by Baxter & Kerr, Inc., alleging that the articles had been shipped in interstate commerce on or about May 17, 1943, from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Pollock Fillets," or "Haddock Fillets Packed by North Shore Fillet Co., Gloucester, Mass. [or "Baxter & Kerr, Inc., Gloucester, Mass."]."

On July 24, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

5350. Misbranding of spiced rollmops (herring). U. S. v. 74 Cases of Spiced Rollmops (Herring). Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10146. Sample No. 42915-F.)

This product was short-weight; the average drained weight of the fish was only 4.98 ounces.

On July 10, 1943, the United States attorney for the Western District of Washington filed a libel against 74 cases, each containing 12 jars of the above-named product at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 7 and 13, 1943, by P. V. Bright & Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Jars) "Booth Famous Foods Contents 13 Ounces Net Fish 10 Oz. Spiced Rollmops. Herring with Pickle and Wine Sauce Booth Fisheries Corporation Chicago, Ill."

The article was alleged to be misbranded in that the statement "Net Fish 10 Oz." was false and misleading, since the jars contained less than this amount of fish.

On July 30, 1943, the Booth Fisheries Corporation having appeared as claimant and having admitted allegations of the libel and consented to a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5351. Adulteration of oysters. U. S. v. 5 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 10163. Sample No. 8137-F.)

On June 29, 1943, the United States attorney for the District of Minnesota filed a libel against 5 cases, each containing 48 cans, of oysters at Cambridge, Minn., alleging that the article had been shipped in interstate commerce on or about May 20, 1943, by the L. C. Mays Company, Inc., from Biloxi, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "C. C. Brand Oysters * * * Packed by C. C. Company Biloxi, Miss."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5352. Adulteration of canned oysters. U. S. v. 947 Cartons of Canned Oysters (and 2 additional seizure actions against canned oysters). Decrees of condemnation. Product ordered released under bond for reconditioning. (F. D. C. Nos. 10056, 10198, 10245. Sample Nos. 11921-F, 29804-F, 29818-F.)

Between June 9 and July 13, 1943, the United States attorney for the Northern District of California filed 3 libels against a total of 947 cartons and 2,572 cases of canned oysters at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about April 17 to May 11, 1943, by the Tropical Foods Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Tropical Brand Cove Oysters."

On July 21, 1943, Karl Adler, doing business as Tropical Foods Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

5353. Adulteration of frozen peeled shrimp. U. S. v. 89 Cases, 59 Cases, and 5 Cases of Peeled Shrimp. Default decree of condemnation and destruction. (F. D. C. Nos. 10530, 10675, 10676. Sample Nos. 38436-F, 38443-F, 39135-F.)

On September 1 and 8, 1943, the United States attorney for the Northern District of Illinois filed libels against 153 cases of frozen peeled shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 18, 1943, by the Cutcher Canning Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 27, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

CANNED FRUIT

5354. Adulteration of canned blackberries. U. S. v. 44 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 10062. Sample 29084-F.)

This product contained moldy berries and was decomposed.

On June 5, 1943, the United States attorney for the Northern District of Georgia filed a libel against 44 cases, each containing 24 cans, of blackberries at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 13 and April 13, 1943, by Bush Bros. & Co. from Dandridge, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Bush's Clinton Brand Blackberries in Water."

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUIT

5355. Adulteration of dried grapes. U. S. v. 11 Cases of Dried Grapes. Default decree of condemnation and destruction. (F. D. C. No. 9438. Sample No. 30934-F.)

On March 17, 1943, the United States attorney for the Western District of Washington filed a libel against 11 cases of dried grapes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 7, 1941, by the Sunland Sales Cooperative Association from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, worms, cocoons, moths and worm- or insect-damaged grapes.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5356. Adulteration of pitted prunes. U. S. v. 265 Boxes of Pitted Prunes. Default decree of condemnation and destruction. (F. D. C. No. 10448. Sample No. 33496-F.)

On August 24, 1943, the United States attorney for the Southern District of New York filed a libel against 265 boxes of pitted prunes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 29, 1943, by the H. A. Johnson Company, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, moths, insect excreta, and webbing. The article was labeled in part: "Glenwood Brand Medium Pitted Prunes Guggenlime & Company San Francisco Calif., U. S. A."

On September 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5357. Adulteration of prunes. U. S. v. 29 Boxes of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 10370. Sample No. 39439-F.)

On August 9, 1943, the United States attorney for the District of Arizona filed a libel against 29 boxes, each containing 25 pounds, of prunes at Yuma,

Ariz., alleging that the article had been shipped in interstate commerce on or about April 28, 1943, by Guggenlime & Co., from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence therein of larvae, webbing, and insect excreta. The article was labeled in part: "Daphne Brand * * * California 50-60 Prunes."

On September 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH FRUIT

Nos. 5358 to 5361 report the seizure of blueberries and huckleberries that were found to contain maggots or larvae, or both.

5358. Adulteration of blueberries. U. S. v. 50 Crates of Blueberries (and 3 additional seizure actions against blueberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 10650 to 10653, incl. Sample Nos. 20875-F to 20878-F, incl.)

On August 20, 1943, the United States attorney for the Western District of New York filed libels against a total of 111 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about August 4 to August 12, 1943, in various shipments under the names McGurl, A. McGurl, or Allen McGurl from Jessup, Peckville, and Scranton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5359. Adulteration of blueberries. U. S. v. 21 Crates of Blueberries (and 10 additional seizure actions against blueberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 10646 to 10649, incl., 10762 to 10768, incl. Sample Nos. 20119-F, 20282-F to 20284-F, incl., 20288-F, 20289-F, 20768-F, 20774-F, 20776-F, 20779-F, 20780-F.)

Between August 21 and 28, 1943, the United States attorney for the District of Massachusetts filed 11 libels against a total of 132 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about August 19 to 26, 1943, in various shipments by the following shippers: C. K. Allen, North Sedgwick, Maine; Mrs. Addie M. Tufts, Union, N. H.; Alfred G. Wuori, Waldoboro, Maine, Moran & Porusta, So. Lyndeboro, N. H., Eleanor Varnum, Sedgwick, Maine, R. H. Wilkinson, Gardiner, Maine, A. F. Heald, Lincolnville, Maine, John T. Stewart, Lyndeboro, N. H., Carlton Shield, Alton, N. H., Maine Blueberry Growers, Rockland, Maine, and F. A. Kent, Lyndeboro, N. H. It was charged that the article was adulterated in that it consisted in whole or in part of a filthy substance.

On September 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5360. Adulteration of blueberries and huckleberries. U. S. v. 7 Crates of Blueberries (and 5 additional seizure actions against blueberries and huckleberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 10482, 10483, 10485, 10658, 10807, 10808. Sample Nos. 45134-F, 45136-F, 56140-F, 56615-F, 56617-F, 56618-F.)

On July 24, 30 and August 9 and 24, 1943, the United States attorney for the Southern District of New York filed libels against a total of 86 crates of blueberries and 54 crates of huckleberries at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about July 22, 1943, to on or about August 19, 1943, in various consignments by A. McAloose and Paul Salidago from Kelayres, Pa., Gus Kuckenbeaker from Long Pond, Pa., J. J. Gulick from Mahanoy City, Pa., and John Graham from Hammonton, N. J.; and charging that the articles were adulterated in that they consisted in whole or in part of a filthy substance.

On August 16, and September 13 and 17, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5361. Adulteration of blueberries and huckleberries. U. S. v. 8 Crates of Blueberries and 9 Crates and 3 Crates of Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 10654, 10655, 10662. Sample Nos. 23826-F to 23828-F, incl.)

On August 13, 1943, the United States attorney for the Eastern District of Pennsylvania filed libels against 8 crates of blueberries and 12 crates of huckle-

berries at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about August 12, 1943, by J. Albor, Bessie Ford, Clayton Ford, and James Patton from Green Bank, N. J., and Robert Stewart from Nesco, N. J.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances.

On September 9, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

FROZEN FRUIT

5362. Adulteration of frozen strawberries. U. S. v. 38 Barrels of Strawberries. Decree of condemnation. Product ordered released under bond. Unfit portion sorted out and destroyed. (F. D. C. No. 10425. Sample No. 13958-F.)

On August 17, 1943, the United States attorney for the Southern District of California filed a libel against 38 barrels, each containing 440 pounds, of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 24, 1943, by the Diamond Ice & Storage, from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of moldy berries.

On September 13, 1943, S. A. Moffett, doing business under the name of S. A. Moffett Co., Seattle, Wash., having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. Subsequently, on October 21, 1943, the product was reconditioned by sorting out and destroying the unfit portion.

MISCELLANEOUS FRUIT PRODUCTS

5363. Adulteration of apple concentrate. U. S. v. 11 Unlabeled Wooden Kegs of Apple Concentrate. Default decree of condemnation and destruction. (F. D. C. No. 10078. Sample Nos. 14836-F, 15143-F.)

On June 8, 1943, the United States attorney for the Southern District of California filed a libel against 5 10-gallon kegs and 6 15-gallon kegs, all unlabeled, of apple concentrate at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1943, by E. A. Brenner from Wenatchee, Wash.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

On July 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5364. Adulteration of apple pomace. U. S. v. 150 Unlabeled Sacks of Apple Pomace. Default decree of condemnation and destruction. (F. D. C. No. 10047. Sample No. 41390-F.)

This product was stored under very insanitary conditions after shipment in interstate commerce. Some of the bags had been gnawed by rodents; dead roaches were found on the sacks and on the floor near the sacks, and numerous insect webs were found between the sacks.

On June 3, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 150 unlabeled sacks of apple pomace at New Orleans, La., in the possession of Charles Dennerly, Inc., alleging that the article had been shipped in interstate commerce on or about February 14, 1942, from Ravena, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5365. Adulteration of fig preserves. U. S. v. 196 Cases of Fig Preserves. Default decree of condemnation and destruction. (F. D. C. No. 8462. Sample No. 9510-F.)

On September 30, 1942, the United States attorney for the Western District of Texas filed a libel against 196 cases of fig preserves at San Antonio, Texas, which had been consigned by the Evangeline Pepper & Food Products Co., alleging that the article had been shipped in interstate commerce on or about July 23, 1942, from St. Martinsville, La.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs and insects, and in that it had been prepared under insanitary conditions whereby it may have

become contaminated with filth. The article was labeled in part: (Jars) "Bulliard's Evangeline Brand * * * Fig Preserves."

On October 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5366. Adulteration of mincemeat. U. S. v. Old Virginia Packing Co., Inc. Plea of guilty. Fine, \$225. (F. D. C. No. 9637. Sample Nos. 24171-F, 24172-F, 36843-F.)

This product contained rodent hairs and other hairs, insects, miscellaneous insect fragments, insect parts, and larvae.

On July 7, 1943, the United States attorney for the Western District of Virginia filed an information against the Old Virginia Packing Co., Inc., at Front Royal, Va., alleging shipment within the period from on or about November 18 to December 17, 1942, from the State of Virginia into the State of Maryland and the District of Columbia of a quantity of mincemeat that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Virginia Royal Fancy Plain Mincemeat," "Major Brand Mincemeat," or "Old Virginia Extra Fancy Mincemeat Wine and Rum."

On October 25, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75 on each of the 3 counts contained in the information, or a total fine of \$225.

5367. Adulteration of strawberry juice. U. S. v. 38 Cans of Strawberry Juice. Default decree of condemnation and destruction. (F. D. C. No. 10412. Sample No. 37343-F.)

On August 16, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 38 cans, each containing 5 gallons, of strawberry juice at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about June 10, 1943, by the Sunshine Packing Corporation from North East, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5368. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 10170. Sample No. 29829-F.)

Analysis showed the product had been diluted with water to less than 4 percent acetic acid strength. (40 Grain = 4% acetic acid.)

On June 29, 1943, the United States attorney for the District of Nevada filed a libel against 5 barrels of vinegar at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by the Valley Wholesale Grocery Co. from Sacramento, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Valley Brand Apple Cider Vinegar 40 Grain."

The article was alleged to be adulterated in that apple cider vinegar and water had been substituted wholly or in part for "Apple Cider Vinegar 40 Grain," and in that water had been added to or mixed or packed therewith so as to reduce its quality or strength below that represented by the labeling.

The article was alleged to be misbranded in that the statement "Apple Cider Vinegar 40 Grain" was false and misleading as applied to apple cider diluted with water to less than 4 percent acetic acid strength, and in that it was offered for sale under the name of another food, "Apple Cider Vinegar 40 Grain."

On August 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

VEGETABLES

5369. Misbranding of canned corn. U. S. v. 79 Cases of Canned Corn. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10080. Sample No. 29097-F.)

On June 14, 1942, the United States attorney for the Northern District of Georgia filed a libel against 79 cases of canned corn at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by the Tom Corwin Canning Co. from Lebanon, Ohio; and charging that

it was misbranded. The article was labeled in part: "Rich-Pak Brand * * * Sweetened Yellow Variety Field Corn Cream Style."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but it failed to conform to such definition and standard since it was not prepared from succulent ears of field corn from which the seed was cut and scraped as required by the definition and standard of identity.

On June 28, 1943, Rich & Morgan, Atlanta, Ga., having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5370. Adulteration of canned mustard greens. U. S. v. 615 Cases of Mustard Greens. Default decree of condemnation and destruction. (F. D. C. No. 10096. Sample No. 10300-F.)

On June 18, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 615 cases, each containing 24 unlabeled cans, of mustard greens at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 16, 1942, by the Bentonville Canning Co. from Bentonville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, insect fragments, caterpillars, and aphids.

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5371. Misbranding of canned peas. U. S. v. 334 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to welfare organizations. (F. D. C. No. 10137. Sample No. 48092-F.)

On June 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 334 cases of canned peas at Cincinnati, Ohio, which had been consigned on or about February 25, 1943, alleging that the article had been shipped in interstate commerce by the Cambria Canning Corporation from Jonesville, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Star of Wisconsin * * * Small Early Peas Distributed by Mammoth Spring Canning Company Main Office Sussex * * * Wisconsin."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, and its quality fell below such standard since the weight of extraneous vegetable material (chiefly thistle buds) was more than one-half of one percent of the drained weight of the peas in the container, and its label failed to bear, in such manner and form as such regulations specify, a statement that it fell below such standard.

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to welfare organizations.

5372. Adulteration of spinach. U. S. v. 1,284 Cases of Spinach. Default decree of condemnation and destruction. (F. D. C. No. 9437. Sample No. 41623-F.)

On February 26, 1943, the United States attorney for the Southern District of Ohio filed a libel against 1,284 cases, each case containing 6 cans, of spinach at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 6, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, maggots. The article was labeled in part: (Cans) "McGrath's Champion Brand Spinach."

On October 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5373. Adulteration of dried blackeye beans. U. S. v. 15 Cases of Dried Blackeye Beans. Default decree of condemnation and destruction. (F. D. C. No. 10107. Sample No. 42814-F.)

On or about July 1, 1943, the United States attorney for the District of Montana filed a libel against 15 cases, each containing 72 1-pound bags, of dried blackeye beans at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about November 7, 1942, and February 10, 1943, by the Washburn-Wilson Seed Co. from Moscow, Idaho; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, beans

which were insect-tunneled and insect-eaten. The article was labeled in part: (Bags) "Washburn's Quality Blackeye Beans Fancy Selected."

On August 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5374. Adulteration of dried mushrooms. U. S. v. 10 Cases of Dried Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 10208. Sample 15174-F.)

On July 12, 1943, the United States attorney for the District of Oregon filed a libel against 10 cases, each containing 12 cards attached to each of which were 12 envelopes, containing dried mushrooms, at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 25, 1943, by the S. H. (Steve) Brody Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, rodent hairs and maggots. The article was labeled in part: (Case) "Shield Brand Dried Mushrooms."

On August 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5375. Adulteration of dried peas. U. S. v. 25 Bags of Dried Peas. Default decree of condemnation and destruction. (F. D. C. No. 10223. Sample No. 42169-F.)

This product was stored under insanitary conditions after shipment in interstate commerce, and was contaminated with rodent urine.

On July 12, 1943, the United States attorney for the Northern District of Ohio filed a libel against 25 bags of dried peas at Cleveland, Ohio, in the possession of the National Terminals Corporation, alleging that the article had been shipped in interstate commerce on or about November 4, 1942, from Sterling, Colo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been held under insanitary conditions whereby it may have been contaminated with filth. The article was labeled in part: (Tag) "Associated Seed Growers, Inc. U. S. No. 1 Commercial Alaska Peas," or (bag) "Idaho-Washington Green Whole Alaska Triad Brand Peas."

On August 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5376. Adulteration of fresh frozen spinach. U. S. v. 99 Cases of Fresh Frozen Spinach. Default decree of condemnation and destruction. (F. D. C. No. 10197. Sample No. 42673-F.)

On July 12, 1943, the United States attorney for the District of Oregon filed a libel against 99 cases of fresh frozen spinach at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 20, 1943, by the Cedergreen Frozen Pack Corporation from Wenatchee, Wash.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, an excessive amount of decayed organic matter, together with some diatomaceous earth and silica, constituents characteristic of a humus material probably derived from a bog. The article was labeled in part: (Packages) "Flav-R-Pac Fresh Frozen Spinach * * * Packed For North Pacific Cannery & Packers, Inc. Portland, Oregon."

On August 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATO PRODUCTS

5377. Adulteration of tomato juice. U. S. v. 69 Cases, 299 Cases, and 466 Cases of Tomato Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 10045, 10196. Sample Nos. 20275-F, 35508-F.)

On June 2 and July 6, 1943, the United States attorneys for the District of Massachusetts and the Western District of North Carolina filed libels against 69 cases of tomato juice at Boston, Mass., and 765 cases at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about January 25 and May 15, 1943, by the Orleans County Canning Co. from Albion, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, as evidenced by mold. The article was labeled in part: (Cans) "Iona Tomato Juice * * * The Great Atlantic & Pacific Tea Co., New York, N. Y., Distributor," or "Stuart Tomato Juice * * * Packed For M. Stoll & Co., Boston, Mass., Distributors."

On July 12 and August 4, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5378. Adulteration and misbranding of tomato puree. U. S. v. Jacob Lutz (Lutz Canning Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 9675. Sample No. 1898-F.)

This product contained mold, indicating the presence of decomposed material. The cans containing the product were unlabeled.

On September 15, 1943, the United States attorney for the Southern District of Ohio filed an information against Jacob Lutz, trading at Arcanum, Ohio, under the firm name Lutz Canning Co., alleging shipment on or about November 11, 1942, from the State of Ohio into the State of Illinois of a quantity of canned tomato puree that was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be misbranded in that it was in package form and (a) did not bear a label containing the name and place of business of the manufacturer, packer or distributor; and (b) did not bear a label containing an accurate statement of the quantity of the contents, since the cans bore no statement of the quantity of the contents. It was alleged to be misbranded further in that it was represented as a food for which a standard of identity had been prescribed by regulation promulgated pursuant to law and it did not bear a label containing the name of the food, tomato puree, specified in the definition and standard.

On November 1, 1943, the defendant having entered a plea of guilty to both counts of the information, the court imposed a fine of \$150 on each count, or a total fine of \$300.

5379. Adulteration of okra and tomato puree. U. S. v. 196 Cases of Okra and Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 10048. Sample No. 8970-F.)

Examination showed this product to be decomposed and fermented.

On June 2, 1943, the United States attorney for the Southern District of Texas filed a libel against 196 cases of okra and tomato puree at Houston, Texas, alleging that the article had been shipped in interstate commerce on or about October 10, 1942, by the Evangeline Pepper & Food Products from Saint Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Bulliard's Evangeline Brand Okra and Tomato Puree."

On July 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5380. Adulteration of tomato soup. U. S. v. 48 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 10166. Sample No. 46331-F.)

Examination showed the product was made from moldy and decayed tomatoes.

On June 30, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 48 cases, each containing 24 cans, of tomato soup at Hopewell, Va., alleging that the article had been shipped in interstate commerce on or about January 12, 1943, by the Phillips Sales Co., Inc., from Cambridge, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Phillips Delicious 'Newly improved' and now better-than-ever Condensed * * * Tomato Soup."

On August 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GRAINS AND FEEDS

5381. Misbranding of alfalfa meal. U. S. v. James H. Crain and R. E. L. Wilson, Jr., the latter also known as Lee Wilson (Lee Wilson & Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 8836. Sample No. 26483-F.)

On April 15, 1943, the United States attorney for the Eastern District of Arkansas filed an information against James H. Crain and R. E. L. Wilson, Jr., the latter also known as Lee Wilson, both trading and doing business under the firm of Lee Wilson & Co., at Wilson, Ark., alleging shipment on or about July 10, 1942, from the State of Arkansas into the State of Maryland of a quantity of alfalfa meal that was misbranded. The article was labeled in part: "Wilson's Alfalfa Leaf Meal Dehydrated * * * Made by Lee Wilson & Company Wilson, Arkansas Guaranteed Analysis Protein 20% * * * Fibre 18%."

The article was alleged to be misbranded in that the statement "Protein 20%" and "Fibre 18%" were false and misleading, since it contained protein in amounts varying from 17.81 percent to 17.99 percent, and contained fibre in amounts varying from 25 percent to 25.12 percent.

On May 3, 1943, a plea of guilty having been entered, the court imposed a fine of \$25.

5382. Misbranding of calf meal. U. S. v. 39 Bags and 6 Bags of Calf Meal. Default decree of condemnation and destruction. (F. D. C. No. 9937. Sample No. 8741-F.)

On May 13, 1943, the United States attorney for the Western District of Wisconsin filed a libel against 39 25-pound bags and 6 100-pound bags of calf meal at Arcadia, Wis., alleging that the article had been shipped in interstate commerce on or about March 9, 1943, by the Hilltop Mills from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: "Hilltop Calf Meal * * * Guaranteed Analysis Protein not less than 24% Fat not less than 4.5%."

The article was alleged to be misbranded in that the statement "Protein not less than 24% Fat not less than 4.5%" was false and misleading as applied to the article since it contained not more than 20.94 percent of protein and not more than 3.64 percent of fat.

On June 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5383. Adulteration of dried egg screenings. U. S. v. 12 Barrels of Dried Egg Screenings. Default decree of condemnation. Product ordered denatured for the purpose of feeding hogs. (F. D. C. No. 10035. Sample No. 9063-F.)

On or about June 10, 1943, the United States attorney for the Northern District of Texas filed a libel against 12 barrels of dried egg screenings at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about April 15, 1943, by T. Jensen & Sons from Chanute, Kans.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, cinder fragments, rodent hair fragments, rust and lead fragments, and a decomposed substance, moldy egg particles.

On July 21, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On August 11, 1943, the order of destruction was amended providing that the product be denatured and disposed of as hog feed.

MEAT AND POULTRY

5384. Adulteration of skinless frankfurters. U. S. v. 48 Cases and 3 Cases of Skinless Frankfurters. Default decrees of condemnation. Product destroyed. (F. D. C. Nos. 10213, 10214. Sample Nos. 8621-F, 8622-F.)

On June 30, 1943, the United States attorney for the District of South Dakota filed libels against 48 cases and 3 cases of skinless frankfurters at Sioux Falls, S. Dak., alleging that the article had been shipped in interstate commerce on or about June 1 and 12, 1943, by the Delco (Delico) Meat Products Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of filthy and putrid matter.

On August 2, 1943, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be disposed of by the marshal. It was destroyed.

5385. Misbranding of chicken liver juive. U. S. v. 74 Cases of Chicken Liver Juive. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10424. Sample No. 11568-F.)

This product was short-weight.

On August 17, 1943, the United States attorney for the Northern District of California filed a libel against 74 cases of chicken liver juive at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 29, 1943, by Appetizing Food Products from Detroit, Mich.; and charging that it was misbranded. The article was labeled in part: (Jar lid) "Giovanni's Chicken Liver Juive Spread for sandwiches * * * Net Wt. 3 $\frac{7}{8}$ oz."

The article was alleged to be misbranded in that the statement "Net Wt. 3 $\frac{7}{8}$ oz." was false and misleading as applied to an article that was short-weight, and in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On September 11, 1943, Giovanni Ricossa, doing business as Appetizing Food Products, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformity with the law under the supervision of the Food and Drug Administration.

5386. Adulteration of poultry. U. S. v. 36 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 9718. Sample No. 9047-F.)

This product had been gnawed by rodents, and rodent pellets were found in practically all the boxes. Rodent nests were found in several boxes, and one box contained 7 mice.

On March 29, 1943, the United States attorney for the Northern District of Texas filed a libel against 36 boxes of poultry at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about March 17, 1943, by Wilson & Co., from Wichita, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Wilson's Certified Poultry," or "Majestic Brand Poultry."

On June 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5387. Adulteration of poultry. U. S. v. Daniel C. Hader. Plea of guilty. Fine, \$10 and costs. (F. D. C. No. 8816. Sample No. 2337-F.)

On March 3, 1943, the United States attorney for the Western District of Missouri filed an information against Daniel C. Hader at Kansas City, Mo., alleging shipment on or about November 10, 1942, from the State of Missouri into the State of Illinois of a quantity of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On November 15, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$10 and costs.

5388. Adulteration of poultry. U. S. v. 25 Barrels of Poultry. Default decree of condemnation. Product ordered destroyed or delivered to a rendering plant for rendering of the fat contents. (F. D. C. No. 10398. Sample No. 46119-F.)

On August 12, 1943, the United States attorney for the District of Maryland filed a libel against 25 barrels of poultry at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 4, 1943, by the Seaboard Poultry Co. from Dover, Del.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance by reason of the presence of diseased birds and birds contaminated with fecal matter, and in that it was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter. The article was labeled in part: "Millsboro Farms Brand Extra Fancy Delaware Poultry."

On September 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to rendering plant for rendering of the fat contents.

5389. Adulteration of poultry. U. S. v. 517 Crates of Frozen, Dressed, and Drawn Poultry. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10295. Sample No. 38805-F.)

On or about July 9, 1943, the United States attorney for the Northern District of Illinois filed a libel against 517 crates of frozen, dressed, and drawn poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 25, 1943, by the Wichita Ice & Cold Storage Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On July 23, 1943, the Kepner Poultry & Egg Co., Chicago, Ill., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging by sorting the fit from the unfit portion and destroying the latter, under the supervision of the Food and Drug Administration.

5390. Adulteration of turkeys. U. S. v. 55 Crates of Turkeys. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 10529. Sample No. 43339-F.)

On or about September 20, 1943, the United States attorney for the District of Kansas filed a libel against 55 crates of turkeys at Kansas City, Kans., alleging

that the article had been shipped in interstate commerce on or about August 11, 1943, by the Fred Harvey Service, Inc., from Winslow, Ariz.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On September 23, 1943, Fred Harvey, a corporation, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that the product be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit birds were segregated and destroyed.

5391. Misbranding of jars of smoked turkey. U. S. v. 99 Cases of Smoked Turkey. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10272. Sample No. 20636-F.)

This product was short-weight.

On July 19, 1943, the United States attorney for the District of Massachusetts filed a libel against 99 cases, each containing 12 jars, of smoked turkey at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 21, 1943, by the Pinesbridge Farm from Ossining, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Pinebridge Farm Original Smoked Turkey * * * Net Weight 8 Ozs. Avd."

The article was alleged to be misbranded in that the statement "Net Weight 8 Ozs. Avd." was false and misleading as applied to an article which was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On July 28, 1943, the S. S. Pierce Co. of Boston, Mass., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

NUTS AND NUT PRODUCTS

5392. Adulteration of shelled peanuts. U. S. v. 3 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered destroyed or converted into animal feed. (F. D. C. No. 10455. Sample No. 46355-F.)

On August 21, 1943, the United States attorney for the District of Maryland filed a libel against 3 100-pound bags of shelled peanuts at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 23, 1943, by the Franklin Peanut Co. from Franklin, Va.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of larvae, cast skins, and insect fragments.

On August 27, 1943, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed or converted into animal feed.

5393. Adulteration of shelled peanuts. U. S. v. 260 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10222. Sample No. 42168-F.)

This product was stored under insanitary conditions. Examination of samples showed that it was contaminated with rodent excreta and urine.

On July 12, 1943, the United States attorney for the Northern District of Ohio filed a libel against 260 bags of peanuts at Cleveland, Ohio, in the possession of the National Terminals Corporation, alleging that the article had been shipped in interstate commerce on or about May 5, 1943, from Suffolk, Va.; and charging that it was adulterated in that it consisted wholly or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On August 4, 1943, the Electric Cooker Sales, Inc., of Cleveland, Ohio, claimant, having admitted the allegations of the libel with respect to a portion of the product, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5393. Adulteration of shelled peanuts. U. S. v. 28 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered destroyed or converted into animal feed. (F. D. C. No. 10450. Sample No. 46354-F.)

On August 21, 1943, the United States attorney for the District of Maryland filed a libel against 28 100-pound bags of shelled peanuts at Baltimore, Md.,

alleging that the article had been shipped in interstate commerce within the period from on or about April 12 to July 27, 1943, by the Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of larvae, cast skins, and insect fragments. The article was labeled in part: "Shelled Peanuts Virginia Peanut Co. * * * Baltimore, Md."

On August 27, 1943, E. S. Vandora and William C. Gereny, copartners trading as the Virginia Peanut Company, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed or converted into animal feed.

5395. Misbranding of peanuts. U. S. v. 312 Dozen and 11 Dozen Packages of Peanuts. Default decree of condemnation. Product ordered delivered to the U. S. O. (F. D. C. No. 10102. Sample Nos. 33481-F, 33482-F.)

This product was short-weight.

On June 19, 1943, the United States attorney for the Southern District of New York filed a libel against 312 dozen packages and 11 dozen packages of peanuts at Newburgh, N. Y., alleging that the article had been shipped in interstate commerce on or about June 1, 1943, by the Royal Nut & Candy Co., Inc., from Hoboken, N. J.; and charging that it was misbranded. The article was labeled in part: "Royal Seniors 10¢ * * * Peanuts * * * Net Wt. 2 Oz.," or "Royal Juniors 5¢ * * * Net Wt. 1 Oz."

The article was alleged to be misbranded in that the statements "Net Wt. 1 Oz." and "Net Wt. 2 Oz." were false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On September 25, 1943, an amended order was entered providing that the product be delivered to the U. S. O.

5396. Adulteration of peanut butter. U. S. v. 84 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 9799. Sample No. 32655-F.)

On April 14, 1943, the United States attorney for the Eastern District of Tennessee filed a libel against 84 cases, each containing 24 jars, of peanut butter at Etowah, Tenn., alleging that the article had been shipped in interstate commerce on or about January 12 and 14, 1943, by the Rainer Packing Co. from Montgomery, Ala.; and charging that it was adulterated in that the product consisted in whole or in part of a filthy, putrid or decomposed substance, rodent hair fragments and rodent excreta fragments, or was otherwise unfit for food. The article was labeled in part: (Jars) "Brownee Peanut Butter * * * Brownee Company * * * Montgomery, Ala."

On July 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5397. Adulteration of peanut butter. U. S. v. 2,400 Jars of Peanut Butter. Default decree of condemnation. Product ordered sold to the highest bidder on condition that it should not be sold in violation of law. (F. D. C. No. 9800. Sample No. 6381-F.)

This product had been damaged by fire and water after shipment in interstate commerce. Examination showed the screw caps to be loose, and, in some cases, rusted to some extent both inside and out. The product was also discolored in some jars, and moldy.

On April 13, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 2,400 jars of peanut butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 27, 1942, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder, the decree providing that the marshal adopt adequate safeguards to prevent its sale in violation of the law. It was denatured and disposed of as hog feed.

5398. Misbranding of peanut butter. U. S. v. 199 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond for refilling to the declared weight. (F. D. C. No. 10100. Sample No. 43304-F.)

On June 16, 1943, the United States attorney for the Western District of Oklahoma filed a libel against 199 cases of peanut butter at Oklahoma City, Okla.,

alleging that the article had been shipped in interstate commerce on or about May 15, 1943, by the Kimbell Food Products Co. from Fort Worth, Tex.; and charging that it was misbranded. The article was labeled in part: "Okla Brand Peanut Butter * * * Net Wt. 1 Lb. 8 Oz. Distributed by Ridenour-Baker Merc. Co. Oklahoma City."

The article was alleged to be misbranded in that the statement on the label "Net Wt. 1 Lb. 8 Oz." was false and misleading as applied to an article short in weight, and in that it was food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 22, 1943, the Kimbell Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the containers be refilled to the declared weight under the supervision of the Food and Drug Administration.

5399. Misbranding of peanut butter. U. S. v. 1,809 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10182. Sample No. 8143-F.)

On June 2, 1943, the United States attorney for the District of Minnesota filed a libel against 1,809 cases of peanut butter at Minneapolis, Minn. On July 8, 1943, an amended libel was filed, the amended libel alleging that the article had been consigned, on or about June 11, 1943, in interstate commerce by the Sessions Company, Inc., from Enterprise, Ala.; and charging that it was misbranded. The article was labeled in part: (Jars) "Goldcraft Peanut Butter * * * Net Wt. 2 Lbs." The article was alleged to be misbranded in that the statement "Net Wt. 2 Lbs." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 13, 1943, the Sessions Company, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in compliance with the law under the supervision of the Food and Drug Administration.

5400. Misbranding of peanut butter. U. S. v. 1,098 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for repackaging. (F. D. C. No. 9918. Sample No. 45078-F.)

On May 10, 1943, the United States attorney for the Eastern District of New York filed a libel against 1,098 cases, each containing 12 jars, of peanut butter at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 31, 1943, by the Wilmar Manufacturing Co. from Philadelphia, Pa.; and charging that it was misbranded. The article was labeled in part: (Jars) "Bohack's Quality Stores * * * Peanut Butter * * * Net Weight 1 Lb."

The article was alleged to be misbranded in that the statement "Net Weight 1 Lb." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On June 22, 1943, the H. C. Bohack Co., Inc., of Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be returned to the manufacturer for repacking to the declared weight, under the supervision of the Food and Drug Administration.

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